

To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]
From: Wilcox, Jahan
Sent: Mon 12/18/2017 6:40:02 PM
Subject: FW: Julie and Michael -

FYI.

From: Wilcox, Jahan
Sent: Monday, December 18, 2017 1:16 PM
To: Pace, Julie <JPace@ap.org>; 'Biesecker, Michael' <MBiesecker@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Julie and Michael -

Julie and Michael – below are the answers in bold.

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Monday, December 18, 2017 1:05 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Pace, Julie <JPace@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Julie and Michael -

Jahan,

Could you please clarify how electronic surveillance would potentially imperil Administrator Pruitt’s physical security?

“Administrator Pruitt has received an unprecedented amount of threats against him and while the Associated Press attempts to trivialize his safety, there is nothing nefarious about security decisions made by EPA’s Protective Service Detail.” – EPA spokesman, Jahan Wilcox

Also, we have not seen and, depending on the amount, don’t have access to what was spent on a bug sweep under Lisa Jackson, but I’m interested in reporting that out. Can you provide the documentation on that, including the date, amount and the name of the vendor?

“Please ask your source, who apparently has access to the database of EPA’s expenditures.” – EPA spokesman, Jahan Wilcox

Thanks,

Michael

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Monday, December 18, 2017 12:29 PM
To: Pace, Julie <JPace@ap.org>; Biesecker, Michael <MBiesecker@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Julie and Michael -

Below are our on-the-record responses in bold that you can attribute to me.

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Monday, December 18, 2017 11:47 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Bug sweeping, biometric locks

Liz, Jahan,

AP will be publishing a story about \$3,000 in taxpayer funds expended in April for a contractor to sweep Administrator Pruitt's office for electronic listening devices. We will also be reporting on spending to install biometric locks in his suite.

When coupled with the previously reported purchase of the privacy booth, it raises questions about why Pruitt feels the need to invest in courier-surveillance measures that none of his predecessors felt were necessary. EPA headquarters is a secure building with armed security and metal detectors at the entrances. Pruitt also has his personal security detail. Is the administrator concerned about the potential for electronic spying against him by the agency's own employees?

"Administrator Pruitt has received an unprecedented amount of threats against him and while the Associated Press attempts to trivialize his safety, there is nothing nefarious about security decisions made by EPA's Protective Service Detail." – EPA spokesman, Jahan Wilcox

As part of the same story, we will also be mentioning the \$120,000 Definers contract and the FOIAs filed by America Rising targeted at EPA employees viewed as potentially disloyal to the Trump administration. Please provide any comment you have on those issues.

"Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services. This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient. If you have questions regarding how Definers operates, we encourage you to contact them." – EPA spokesman, Jahan Wilcox

Thanks,

Michael

AP

ASSOCIATED PRESS

Michael Biesecker

Reporter

mbiesecker@ap.org

Twitter: [@mbieseck](https://twitter.com/mbieseck)

[Public Key](#)

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"There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here." -- Mark Twain, 1906

"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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Cc: Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]
From: Wilcox, Jahan
Sent: Mon 12/18/2017 5:17:54 PM
Subject: APPROVAL: Bug sweeping, biometric locks

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Monday, December 18, 2017 11:47 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
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Thanks,

Michael



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Twitter: @mbieseck	T 202-641-9445
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To: Jackie Toth[jackieto@cqrollcall.com]; Abboud, Michael[abboud.michael@epa.gov]; Molly Block[Molly.Block@mail.house.gov]
From: Wilcox, Jahan
Sent: Tue 12/19/2017 6:49:42 PM
Subject: RE: Q re: Definers contract

“How we consume our news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor.”

From: Jackie Toth [mailto:jackieto@cqrollcall.com]
Sent: Tuesday, December 19, 2017 1:43 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Molly Block <Molly.Block@mail.house.gov>
Subject: Q re: Definers contract

Hi all,

Can we get confirmation that the EPA canceled the Definers contract? When will Definers' services be fully terminated? Does the EPA intend to issue a replacement contract, and will it be opened to a bid?

Deadline's no later than 3:30pm today, if possible.

Thanks much,
Jackie

Jackie Toth
CQ Legal
Energy & Environment Reporter/Analyst
O: 202-650-6518
C: 610-428-2276
@JackieTothDC

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Molly Block[Molly.Block@mail.house.gov]
From: Jackie Toth
Sent: Tue 12/19/2017 6:42:53 PM
Subject: Q re: Definers contract

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Thanks much,
Jackie

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To: Abboud, Michael[abboud.michael@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]
From: Bowman, Liz
Sent: Tue 12/19/2017 5:43:34 PM
Subject: RE: APPROVAL: well, then on a different subject...

I actually like "our" here

From: Abboud, Michael
Sent: Tuesday, December 19, 2017 12:40 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: Re: APPROVAL: well, then on a different subject...

Change "our" to "the"

Sent from my iPhone

On Dec 19, 2017, at 11:37 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

"How we consume our news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor."

From: Friedman, Lisa [<mailto:lisa.friedman@nytimes.com>]
Sent: Tuesday, December 19, 2017 12:29 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: well, then on a different subject...

Got a comment about Definers dropping out of the contract?

--

Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]
From: Kevin Bogardus
Sent: Fri 12/15/2017 3:47:58 PM
Subject: RE: Definers Corp. contract with EPA

Got it, Jahan. Many thanks. Big help. I will add this to the piece. Thanks again.

Kevin Bogardus
E&E News Reporter

kbogardus@eenews.net
202-446-0401 (p)
202-247-7844 (c)
202-737-5299 (f)

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From: Wilcox, Jahan [wilcox.jahan@epa.gov]
Sent: Friday, December 15, 2017 10:19 AM
To: Kevin Bogardus; Bowman, Liz; Konkus, John; Ferguson, Lincoln; Abboud, Michael; Hewitt, James; Block, Molly; Daniell, Kelsi
Subject: RE: Definers Corp. contract with EPA

“The Definers contract is for media monitoring/news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

From: Kevin Bogardus [mailto:kbogardus@eenews.net]
Sent: Friday, December 15, 2017 9:54 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
Subject: Definers Corp. contract with EPA

Hey everyone,

It's Kevin Bogardus with E&E News.

I'm working on a piece about Definers Corp.'s contract with EPA
(<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>). I had a few questions about this, which are:

-- How did this contract happen? Did Definers approach EPA first or did EPA approach Definers first?

-- What services will Definers be providing EPA? Will Definers be providing "war room" services to EPA
(https://docs.wixstatic.com/uqd/3d6ea3_c21da991906e440eba09e35b63bbcc10.pdf)?

-- A search of usaspending.gov shows that Definers' contract with EPA is Definers' first contract with EPA
(<https://www.usaspending.gov/Pages/AdvancedSearch.aspx?sub=y&ST=C&FY=2018,2017,2016,2015,2014,2013,2012,2011,2010,2009&A=0&SS=USA&k=definers>). Is that accurate?

Please get back to me as soon as possible. My deadline is 12:30 pm EST today but the sooner you get back to me, the more it helps my reporting. Also, since I'm working from home today, please email me here or call my cell phone at 202-247-7844. Thank you for your help.

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From: Bowman, Liz
Sent: Tue 12/19/2017 5:40:01 PM
Subject: RE: APPROVAL: well, then on a different subject...

Good w me

From: Wilcox, Jahan
Sent: Tuesday, December 19, 2017 12:38 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
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Subject: APPROVAL: well, then on a different subject...

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Sent: Tuesday, December 19, 2017 12:29 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: well, then on a different subject...

Got a comment about Definers dropping out of the contract?

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From: Wilcox, Jahan
Sent: Fri 12/15/2017 3:19:25 PM
Subject: RE: Definers Corp. contract with EPA

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From: Kevin Bogardus [mailto:kbogardus@eenews.net]

Sent: Friday, December 15, 2017 9:54 AM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>

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(<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>). I had a few questions about this, which are:

-- How did this contract happen? Did Definers approach EPA first or did EPA approach Definers first?

-- What services will Definers be providing EPA? Will Definers be providing "war room" services to EPA
(https://docs.wixstatic.com/ugd/3d6ea3_c21da991906e440eba09e35b63bbcc10.pdf)?

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(<https://www.usaspending.gov/Pages/AdvancedSearch.aspx?sub=y&ST=C&FY=2018,2017,2016,2015,2014,2013,2012,2011,2010,2009&A=0&SS=USA&k=definers>). Is that accurate?

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From: Wilcox, Jahan
Sent: Fri 12/15/2017 2:58:50 PM
Subject: RE: Definers Corp. contract with EPA

Handling.

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To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>
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Subject: Definers Corp. contract with EPA

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202-247-7844 (c)
202-737-5299 (f)

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E&E News

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Block, Molly[block.molly@epa.gov]
From: Kevin Bogardus
Sent: Tue 12/19/2017 4:09:02 PM
Subject: Morocco trip and PR firm contract

Hello everyone,

It's Kevin Bogardus with E&E News.

I'm working on a few pieces today so I have a few questions for you, which are:

- Sen. Carper has requested that the EPA Inspector General also investigate Administrator Pruitt's trip to Morocco as part of the EPA IG's audit of the administrator's travel, according to a letter sent yesterday (https://www.epw.senate.gov/public/_cache/files/a/7/a7271e2f-169d-4421-8aa1-bd2aee769bb0/357ADF0B861CF8EE2E008EE37D270633.carper-asks-inspector-general-to-expand-investigation-into-epa-administrators-travel.pdf). Does EPA have any reaction to this letter?
- American Oversight and Environmental Working Group are calling on the EPA IG to investigate an EPA contract awarded to Definers Corp., a public affairs firm, according to a letter sent yesterday (<https://www.americanoversight.org/american-oversight-environmental-working-group-call-epa-ig-investigation-no-bid-contract-gop-consulting-firm#letter>). In addition, Public Citizen has filed a protest at the Government Accountability Office regarding the EPA contract with Definers Corp, according to a letter sent yesterday (https://www.citizen.org/sites/default/files/bid_protest_for_epa_contract_ep18h000025.pdf). Does EPA have any reaction to either of these letters?

Please get back to me as soon as possible. My deadline is 12:30 pm EST today but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus
E&E News reporter
kbogardus@eenews.net
202-446-0401 (p)
202-247-7844 (c)
202-737-5299 (f)

Follow me [@KevinBogardus](#)

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To: Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]
From: Daniell, Kelsi
Sent: Tue 6/19/2018 9:23:14 PM
Subject: Fwd: EPA Definers Corp. contract

For situational awareness re Kevin's latest inquiry

Sent from my iPad

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: Kevin Bogardus <kbogardus@eenews.net>
Date: May 24, 2018 at 11:32:27 AM EDT
To: "Abboud, Michael" <abboud.michael@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Block, Molly" <block.molly@epa.gov>, "Daniell, Kelsi" <daniell.kelsi@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Lynn, Tricia" <lynn.tricia@epa.gov>, Press <Press@epa.gov>
Subject: RE: EPA Definers Corp. contract

Gotcha, Mike. Many thanks. Appreciate it.

-Kevin

From: Abboud, Michael [mailto:abboud.michael@epa.gov]
Sent: Thursday, May 24, 2018 11:23 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Kevin Bogardus <kbogardus@eenews.net>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>
Subject: RE: EPA Definers Corp. contract

On background I can confirm that both of your questions about Tricia Lynn and Nancy Grantham are correct.

From: Wilcox, Jahan
Sent: Thursday, May 24, 2018 11:08 AM
To: Kevin Bogardus <kbogardus@eenews.net>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>
Subject: RE: EPA Definers Corp. contract

"The Definers contract was for news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public." – EPA spokesman, Jahan Wilcox

From: Kevin Bogardus [mailto:kbogardus@eenews.net]
Sent: Thursday, May 24, 2018 11:02 AM
To: Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>

Subject: EPA Definers Corp. contract

Hey everyone,

It's Kevin Bogardus with E&E News.

I'm working on a story about EPA's canceled contract with Definers Corp. I obtained contracting records under the Freedom of Information Act that shed more light on the contract (please see https://www.eenews.net/assets/2018/05/17/document_gw_02.pdf). I had a question about this, which is:

- Why did EPA sign this contract with Definers Corp.?

And I had a few fact-checking questions about this as well, which are:

- Nancy Grantham, as acting principal deputy associate administrator in EPA's Office of Public Affairs, is the top career official in EPA's OPA (please see page 58 of https://www.eenews.net/assets/2018/05/17/document_gw_02.pdf). Is that accurate?
- Tricia Lynn is a career employee in EPA's OPA (please page 21 of https://www.eenews.net/assets/2018/05/17/document_gw_02.pdf). Is that accurate?

Please get back to me as soon as possible. My deadline is 12:30 pm EST today but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

202-446-0401 (p)

202-247-7844 (c)

202-737-5299 (f)

Follow me [@KevinBogardus](#)

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To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]
From: Kevin Bogardus
Sent: Fri 1/5/2018 8:10:36 PM
Subject: FW: Top Democrats Alarmed by EPA Contract with GOP Operatives

Hey everyone,

Kevin Bogardus with E&E News here.

Democrats on the House Energy and Commerce Committee sent a letter to Administrator Pruitt with questions about the now canceled contract with Definers Corp. Please see below. Does EPA have any response?

Please get back to me as soon as possible. My deadline is 4 pm EST today but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

202-446-0401 (p)

202-247-7844 (c)

202-737-5299 (f)

Follow me [@KevinBogardus](https://twitter.com/KevinBogardus)

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From: E&C Dem News [mailto:ecdemnews@mail.house.gov]

Sent: Friday, January 05, 2018 2:56 PM

To: E&C Dem News <ecdemnews@mail.house.gov>

Subject: Top Democrats Alarmed by EPA Contract with GOP Operatives



FOR IMMEDIATE RELEASE

January 5, 2018

CONTACT

[CJ Young](#) — (202) 225-5735

Top Democrats Alarmed by EPA Contract with GOP Operatives

Washington, D.C. – Democratic leaders of the Energy and Commerce, Transportation and Infrastructure and Appropriations committees sent a [letter](#) to Environmental Protection Agency (EPA) Administrator Scott Pruitt today expressing their serious concerns regarding a no-bid contract awarded by EPA to Definers Public Affairs.

The Democrats voiced concerns that the \$120,000 contract – recently terminated by Definers after [press reports](#) brought the contract to light – was awarded without full and open competition to a company with no apparent experience in providing these services to a Federal agency. The Democratic leaders also wrote that they were “deeply troubled” by Definers staffers’ involvement in an [apparent witch hunt](#) against EPA employees who may have publicly or privately expressed concerns about the agency or its leadership.

The letter was signed by Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ), Transportation and Infrastructure Ranking Member Peter DeFazio (D-OR), E&C Environment Subcommittee Ranking Member Paul Tonko (D-NY), T&I Water Resources and Environment Subcommittee Ranking Member Grace Napolitano (D-CA) and Appropriations Interior, Environment and Related Agencies Subcommittee Ranking Member Betty McCollum (D-MN).

“We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development,” the Democratic Committee leaders wrote to Administrator Pruitt. **“Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.”**

As part of their inquiry, the Democrats are requesting answers to a series of questions and additional information from Administrator Pruitt, including:

- What was Pruitt’s role in selecting Definers for this award? In addition to Pruitt, which EPA political appointees were involved in selecting Definers?
- Were Pruitt or other EPA political appointees aware of Freedom of Information Act (FOIA) requests filed by Definers employees against individual agency employees before the contract was awarded?
- Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
- Were Pruitt, his agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site?
- What work did Definers perform for EPA pursuant to the contract? What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract?
- On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA under Pruitt’s leadership. EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency’s response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
- What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
- Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

The letter to Administrator Pruitt is available [HERE](#).

###

To: Hewitt, James[hewitt.james@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]
From: Wilcox, Jahan
Sent: Fri 3/9/2018 3:01:58 PM
Subject: Re: FOR APPROVAL//RE: EPA and Go BIG Media, Inc.

Yes.

On Mar 9, 2018, at 9:40 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

I think we can use Jahan's quote.

"We had two options: one vendor was \$29,140 and the other was \$6,500, but ultimately this document was made in-house. This pales in comparison to the previous administration that paid \$570,000 to a Democratic campaign manager's PR firm to run EPA's What's Upstream campaign." – EPA spokesman, Jahan Wilcox

From: Kevin Bogardus [<mailto:kbogardus@eenews.net>]
Sent: Friday, March 9, 2018 9:36 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>
Subject: EPA and Go BIG Media, Inc.

Hey guys,

It's Kevin Bogardus with E&E News.

Myself and a colleague are working on a piece about Go BIG Media, Inc. and EPA. Go BIG Media, a Republican media firm, signed a contract with EPA last month to help produce an "end of year report" (<https://www.usaspending.gov/#/award/61802028>). I had some questions for you about this, which are:

- Did Go BIG Media, Inc. work on EPA's "EPA Year in Review 2017-2018" report (https://www.epa.gov/sites/production/files/2018-03/documents/year_in_review_3.5.18.pdf)? If so, what exactly did Go BIG Media do on the report? Editing? Graphics? Design? Please be specific as possible.
- Did EPA pay Go BIG Media for this work on the report? If so, how much? According to [USAspending.gov](https://www.usaspending.gov) data, \$0 of the contract has been obligated but Elliot Fuchs, Go BIG Media's controller, told me that EPA did pay the firm \$6,500 for its work for the agency. I wanted to check that with you to make sure it was accurate.
- How did Go BIG Media end up doing this work for EPA? Who contacted who first?
- Is Go BIG Media's work on this report required under the contract Go BIG Media signed with EPA last month for "design, graphics, production and edits of the EPA end of year report" (<https://www.usaspending.gov/#/award/61802028>)?
- The [USAspending.gov](https://www.usaspending.gov) data shows there were two offers received for this contract. Who else bid for this contract?
- Go BIG Media is a Republican media firm. The last time a Republican firm, Definers Corp., had a contract with EPA, Definers ended up losing its contract with EPA. Are you worried about a similar backlash to this contract?

Please get back to me as soon as possible. My deadline is 12:30 pm EST today but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

ED_002048_00000132-00001

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

202-446-0401 (p)

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Press[Press@epa.gov]
From: Skolnik, Samuel
Sent: Tue 12/19/2017 8:08:43 PM
Subject: RE: Time-sensitive questions from Bloomberg Government

Jahan, two more follow-up questions:

- Was this considered a “full and open” acquisition, or a “simplified” acquisition?
- If it was full and open, the agency may have needed to file a “justification and approval” document – but I can’t find it on usaspending.gov, or fpds.gov, or anywhere else. Can EPA release that document?

Thanks,
Sam Skolnik

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, December 19, 2017 2:10 PM
To: Skolnik, Samuel <sskolnik@bgov.com>
Subject: RE: Time-sensitive questions from Bloomberg Government

It's also not accurate to call it a no-bid contract. Below is our statement about that as well:

“When the government seeks to sole-source a contract, notice must be placed on Fedconnect or Fedbizops so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work. In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.” - EPA spokeswoman, Nancy Grantham

From: Wilcox, Jahan
Sent: Tuesday, December 19, 2017 2:09 PM
To: 'Skolnik, Samuel' <sskolnik@bgov.com>
Subject: RE: Time-sensitive questions from Bloomberg Government

“Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services. This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we’re responding to them in a manner that is fair and efficient. If you have questions regarding how Definers operates, we encourage you to contact them.” – EPA spokesman Jahan Wilcox.

From: Wilcox, Jahan
Sent: Tuesday, December 19, 2017 2:08 PM
To: 'Skolnik, Samuel' <sskolnik@bgov.com>
Subject: RE: Time-sensitive questions from Bloomberg Government

“The Definers contract is for news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

From: Wilcox, Jahan
Sent: Tuesday, December 19, 2017 2:08 PM
To: 'Skolnik, Samuel' <sskolnik@bgov.com>
Subject: RE: Time-sensitive questions from Bloomberg Government

Bloomberg Government

Direct: (202) 416-3328

Cell: (702) 755-5729 *(On Fridays, please call my Cell)*

sskolnik@bgov.com

@samskolnik

To: Kathryn Watson[kathryn.watson@cbsinteractive.com]
Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Sat 12/16/2017 5:49:06 PM
Subject: Re: Reaching out re NYT story + decision to hire Definers

Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services.

This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.

If you have questions regarding how Definers operates, we encourage you to contact them.

Sent from my iPhone

On Dec 16, 2017, at 12:47 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

“The Definers contract is for news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

Sent from my iPhone

On Dec 16, 2017, at 12:46 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

“When the government seeks to sole-source a contract, notice must be placed on Fedconnect or Fedbizops so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work. In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.” - EPA spokeswoman, Nancy Grantham

Sent from my iPhone

On Dec 16, 2017, at 11:47 AM, Kathryn Watson <kathryn.watson@cbsinteractive.com> wrote:

Good morning,

I wanted to reach out after the [NYT story published last night](#) described the EPA's decision to hire Definers to handle media work.

Specifically, I wanted to confirm the details of the contract — \$120,000 to handle media, which apparently was cheaper than the last deal?

But I also wanted to know if anyone at the EPA in any way directed Definers to look into EPA employees who might contradict the president's agenda?

Thank you, and my cell is 571-282-8391.

--

Kathryn (Katie) Watson
Politics Reporter, CBS Digital
Cell: 571.282.8391
Twitter: @kathrynw5

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Press[Press@epa.gov]
From: Skolnik, Samuel
Sent: Tue 12/19/2017 7:36:13 PM
Subject: RE: Time-sensitive questions from Bloomberg Government

Hi Jahan – A couple follow-up questions:

- What was the name of the additional vendor that responded?
- Why did EPA decide to go with Definers instead of this second company?

Thanks,
Sam Skolnik

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, December 19, 2017 2:10 PM
To: Skolnik, Samuel <sskolnik@bgov.com>
Subject: RE: Time-sensitive questions from Bloomberg Government

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Sent: Tuesday, December 19, 2017 2:09 PM
To: 'Skolnik, Samuel' <sskolnik@bgov.com>
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Sent: Tuesday, December 19, 2017 2:08 PM
To: 'Skolnik, Samuel' <sskolnik@bgov.com>
Subject: RE: Time-sensitive questions from Bloomberg Government

Bloomberg Government

Direct: (202) 416-3328

Cell: (702) 755-5729 *(On Fridays, please call my Cell)*

sskolnik@bgov.com

@samskolnik

To: Kathryn Watson[kathryn.watson@cbsinteractive.com]
Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Sat 12/16/2017 5:47:30 PM
Subject: Re: Reaching out re NYT story + decision to hire Definers

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But I also wanted to know if anyone at the EPA in any way directed Definers to look into EPA employees who might contradict the president's agenda?

Thank you, and my cell is [571-282-8391](tel:571-282-8391).

--

Kathryn (Katie) Watson
Politics Reporter, [CBS Digital](#)
Cell: 571.282.8391
Twitter: [@kathrynw5](#)

To: Kathryn Watson[kathryn.watson@cbsinteractive.com]
Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Sat 12/16/2017 5:46:44 PM
Subject: Re: Reaching out re NYT story + decision to hire Definers

“When the government seeks to sole-source a contract, notice must be placed on Fedconnect or Fedbizops so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work. In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.” - EPA spokeswoman, Nancy Grantham

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Thank you, and my cell is 571-282-8391.

--

Kathryn (Katie) Watson
Politics Reporter, CBS Digital
Cell: 571.282.8391
Twitter: @kathrynw5

To: Friedman, Lisa[lisa.friedman@nytimes.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 9:32:18 PM
Subject: Re: apologies for all the back and forth

Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services.

This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.

If you have questions regarding how Definers operates, we encourage you to contact them.

> On Dec 15, 2017, at 3:09 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>
> But a few more things were just brought to my attention that require a few more questions.
>
> America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.
>
> Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?
>
> Thank you
> Lisa
>
> --
> Lisa Friedman
> Reporter, New York Times
> (202) 862-0306 office
> (202) 251-2083 cell
>

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Lisa Friedman
Sent: Fri 12/15/2017 7:29:14 PM
Subject: Re: Follow up question on MJ story

And the name of the other vendor?
And the contract please?

Lisa Friedman
Reporter, The New York Times
202-862-0306 office
202-251-2083 cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

On Dec 15, 2017, at 1:41 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

“When the government seeks to sole-source a contract, notice must be placed on Fedconnect or Fedbizops so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work. In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.” - EPA spokeswoman, Nancy Grantham

From: Lisa Friedman [<mailto:lisa.friedman@nytimes.com>]
Sent: Friday, December 15, 2017 10:21 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Re: Follow up question on MJ story

And why was this a no-bid contract when other companies perform the same service?

Lisa Friedman
Reporter, The New York Times
[202-862-0306](tel:202-862-0306) office

[202-251-2083](tel:202-251-2083) cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

On Dec 15, 2017, at 10:20 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

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From: Lisa Friedman [<mailto:lisa.friedman@nytimes.com>]
Sent: Friday, December 15, 2017 10:15 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
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Thank you,
Lisa

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202-862-0306 office

202-251-2083 cell
Lisa.Friedman@nytimes.com
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To: Lisa Friedman[lisa.friedman@nytimes.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 6:41:25 PM
Subject: RE: Follow up question on MJ story

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Lisa Friedman

ED_002048_00000170-00001

Reporter, The New York Times
202-862-0306 office

202-251-2083 cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Jason Abbruzzese
Sent: Fri 12/15/2017 4:32:58 PM
Subject: Re: Mashable media inquiry on Definers Public Affairs and the EPA

Thanks!

On Fri, Dec 15, 2017 at 10:52 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

“The Definers contract is for media monitoring/news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

From: Jason Abbruzzese [mailto:jason@mashable.com]
Sent: Friday, December 15, 2017 10:49 AM
To: Konkus, John <konkus.john@epa.gov>; Press <Press@epa.gov>
Subject: Mashable media inquiry on Definers Public Affairs and the EPA

Greetings,

Jason Abbruzzese from Mashable here. I'm following up on the Mother Jones report that the EPA has been contracting Definers Public Affairs.

I'd love to know what kind of worker Definers has been doing for the EPA. Think someone could fill me in?

Cheers,

Jason

--

Jason Abbruzzese

News Editor

617 697 3390 (Cell, please text first)

Mashable

@JasonAbbruzzese

--
Jason Abbruzzese
News Editor
617 697 3390 (Cell, please text first)
Mashable
@JasonAbbruzzese

To: Jason Abbruzzese[jason@mashable.com]; Konkus, John[konkus.john@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 3:52:09 PM
Subject: RE: Mashable media inquiry on Definers Public Affairs and the EPA

“The Definers contract is for media monitoring/news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

From: Jason Abbruzzese [mailto:jason@mashable.com]
Sent: Friday, December 15, 2017 10:49 AM
To: Konkus, John <konkus.john@epa.gov>; Press <Press@epa.gov>
Subject: Mashable media inquiry on Definers Public Affairs and the EPA

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--
Jason Abbruzzese
News Editor
617 697 3390 (Cell, please text first)
Mashable
@JasonAbbruzzese

To: Friedman, Lisa[lisa.friedman@nytimes.com]
Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Tue 12/19/2017 5:41:41 PM
Subject: RE: well, then on a different subject...

“How we consume the news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor.”

From: Friedman, Lisa [<mailto:lisa.friedman@nytimes.com>]
Sent: Tuesday, December 19, 2017 12:29 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: well, then on a different subject...

Got a comment about Definers dropping out of the contract?

--

Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Press[Press@epa.gov]
From: Lisa Friedman
Sent: Fri 12/15/2017 3:21:20 PM
Subject: Re: Follow up question on MJ story

And why was this a no-bid contract when other companies perform the same service?

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Reporter, The New York Times
[202-862-0306](tel:202-862-0306) office
[202-251-2083](tel:202-251-2083) cell
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Sent: Friday, December 15, 2017 10:15 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Follow up question on MJ story

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Third, as there are clearly other companies that perform this work – – like the one EPA had previously contracted with – – can you please provide an explanation of why this was a no-bid contract.

Thank you,
Lisa

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[202-862-0306](tel:202-862-0306) office

[202-251-2083](tel:202-251-2083) cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

To: Lisa Friedman[lisa.friedman@nytimes.com]; Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 3:20:07 PM
Subject: RE: Follow up question on MJ story

“The Definers contract is for media monitoring/news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

From: Lisa Friedman [mailto:lisa.friedman@nytimes.com]
Sent: Friday, December 15, 2017 10:15 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Follow up question on MJ story

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202-251-2083 cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

To: Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Press[Press@epa.gov]
From: Lisa Friedman
Sent: Fri 12/15/2017 3:15:03 PM
Subject: Follow up question on MJ story

Hello,
Can you please provide a comment about why the news compilation that Definers has been hired to do can not be performed in house?

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Reporter, The New York Times
202-862-0306 office
202-251-2083 cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

To: Abboud, Michael[abboud.michael@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Press[Press@epa.gov]
From: Kevin Bogardus
Sent: Tue 6/19/2018 10:07:00 PM
Subject: Re: Definers Corp. contract?

Gotcha, Mike. Many thanks. I will add this to my story. Thanks again and have a good night!
-Kevin

Sent from my iPhone

On Jun 19, 2018, at 5:44 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Hey Kevin you can attribute the statement below to an EPA spokesman.

"We will respond to the Senators through the proper channels." - **EPA spokesman**

From: Kevin Bogardus [<mailto:kbogardus@eenews.net>]

Sent: Tuesday, June 19, 2018 5:20 PM

To: Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>
Subject: Definers Corp. contract?

Hey everyone,

It's Kevin Bogardus with E&E News.

I'm working on a story about Sens. Whitehouse and Harris' letter to Administrator Pruitt about the Definers Corp. contract. Does EPA have any response to this letter?

Please get back to me as soon as possible. My deadline is 8 pm EST tonight but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

202-446-0401 (p)

202-247-7844 (c)

202-737-5299 (f)

Follow me [@KevinBogardus](#)

E&E NEWS

122 C Street, NW, Suite 722, Washington, DC 20001

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM

From: Davidson, Richard (Whitehouse) [mailto:Richard_Davidson@whitehouse.senate.gov]

Sent: Tuesday, June 19, 2018 4:24 PM

To: Davidson, Richard (Whitehouse) <Richard_Davidson@whitehouse.senate.gov>

Subject: RELEASE: Whitehouse, Harris Press Pruitt on EPA Political Appointees Steering No-Bid Contract to GOP Firm

FOR IMMEDIATE RELEASE

Contact:

ED_002048_00000194-00001

Whitehouse, Harris Press Pruitt on EPA Political Appointees Steering No-Bid Contract to GOP Firm

Washington, DC – Senators Sheldon Whitehouse (D-RI) and Kamala Harris (D-CA) asked Environmental Protection Agency (EPA) head Scott Pruitt to explain why political appointees apparently initiated a no-bid, federal contract with Definers Public Affairs, a company that shares leadership, staff, and an address with America Rising, a political action committee that funded a campaign to confirm Pruitt as EPA Administrator.

The Senators point to EPA documents and Senate investigators' interviews with EPA staff that show it was President Trump's EPA beachhead team that canceled the contract with the previous media-monitoring vendor, and that it was EPA's public affairs team – many of them political appointees – that pointed career staff toward contracting with Definers. The Senators also note that the EPA's main justification for awarding the contract—that "Definers offers unique services"—appears to be based on information Definers itself provided to the EPA, and that a range of other vendors offer substantially similar services. The EPA's justification appears to be a pretext for avoiding competitive bidding for this contract, as well as the suggestion that career staff were told by political staff to hire Definers, it would appear that this contract may be a quid pro quo for America Rising's support of Pruitt's confirmation. Such a quid pro quo would violate federal contracting rules.

These issues demand answers, the Senators write.

"You recently gave an interview in which you stated that you 'care so much about taxpayer money,'" the Senators write. "EPA's decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures."

Following revelations about the Definers contract and questions from Whitehouse and Harris, EPA canceled the \$120,000 contract in December.

America Rising and its affiliates have a long record of providing political support to Pruitt and his work at the EPA. [Documents](#) show America Rising, led by the same opposition research experts at Definers, has been combing EPA records for communications between EPA staff and the news media and Democratic members of Congress. The group coordinated a campaign to ease Scott Pruitt's confirmation as Administrator that included ads urging Senators to vote for his confirmation and a website, www.ConfirmPruitt.com (now defunct). America Rising also runs a website called the Need to Know Network that provides favorable coverage to Pruitt's work at the EPA.

Full text of the Senators' letter is below. A PDF copy is available [here](#).

Dear Administrator Pruitt:

We again write to you regarding the Environmental Protection Agency's decision to award a no-bid contract to Definers, a consulting firm that shares leadership staff, and office space with America Rising, a political action committee (PAC) which was active in supporting your confirmation as Environmental Protection Agency (EPA) Administrator. This contract is deeply concerning because it suggests a quid pro quo and would seem to violate the law, as outlined below.

On December 19, 2017, we first wrote to you inquiring about this contract with Definers for media clipping services. On April 27, 2018, EPA responded and your response included documents related to the now-cancelled Definers no-bid contract. On May 11, 2018, EPA staff attempted to answer questions from our staff

in a phone call regarding the documents provided in EPA's April 27 response. Despite these disclosures and discussions, key facts about this how this contract was awarded remain unknown.

I. How was Definers identified as the contractor of choice?

EPA provided one email chain related to the Definers contract; the first of these emails is dated November 2, 2017. While parts of these emails have been redacted, the first email in this chain mentions a "JOFOC" or Justification for Other than Full and Open Competition, indicating that EPA had already chosen a contractor. A November 13, 2017 email in the chain identifies Definers as the contractor.

Government contracts are not awarded without prior discussion and thorough deliberation, so we find it hard to believe that the first email mention of Definers at EPA occurred after Definers had already been chosen. "Definers" is a rarely used word, so it should be straightforward for your staff to obtain all emails in which Definers the company is mentioned.

During our May 11, 2018 phone call with EPA career staff, we were told that EPA's contract with Bulletin Intelligence was cancelled in early 2017 at the direction of President Trump's EPA beachhead team because it "wasn't meeting their needs." EPA career staff further advised us that your public affairs team first "made [them] aware" of Definers and its media clipping services. Career staff stated they were be unable to recall who on your team told them about Definers and what specific instructions they were given.

Documents provided (and not provided) by EPA and statements by career staff seem to indicate that the decision to hire Definers was driven by political appointees. Given the fact that Definers shares executives and leadership with America Rising, which bankrolled a campaign supporting your confirmation as EPA Administrator, a decision to steer a contract outside the typical contracting process to Definers would seem to violate Subpart 3.101-1 of the Federal Acquisition Regulation ("The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships") and Title 5 of the Code of Federal Regulations Section 2635.101(b)(8) ("Employees shall act impartially and not give preferential treatment to any private organization or individual").

II. Does Definers offer unique services that would justify EPA's decision to forego competitive bidding for this contract?

In our December 19 letter, we asked you to explain what "provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers." In EPA's April 27 response, Liz Bowman, your former Associate Administrator for the Office of Public Affairs, attempted to justify the no-bid nature of the Definers contract by writing that "Definers offers unique services" and "[EPA] was not aware of any other company that provided or had available this feature of real-time coverage for specific events."

Among the documents provided with EPA's April 27 response is a JOFOC dated November 29, 2017 (Attachment II). In this document, EPA lists the following "unique qualifications" that "require" the use of the only one responsible source exception to competitive bidding practices:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams
- Delivered through a proprietary web interface, which allows for email distribution as well.

Additionally, the JOFOC states that "[l]eading providers Cision [...], Bulletin Intelligence [...], and Critical Mention [...] do not provide the combined services sought by EPA's Office of Public Affairs." During the

May 11 call between our staffs, EPA career staff indicated they conducted a search to see if other companies offered media clipping services similar to Definers' services, particularly its claimed ability to provide clips in "near live-time," but determined they did not.

Our staff subsequently spoke with a representative from Cision, who explained that Cision gives clients the option of receiving email alerts every hour containing the latest stories of interest. Cision's clients may also log into their "my coverage" portal at any time to see the latest stories of interest; the portal is updated in close to real time. Cision's representative confirmed that it offers all of the functionalities listed in the JOFOC as "unique" to Definers.

Another company allegedly researched by EPA staff, Bulletin Intelligence, also appears to offer "near live-time" capabilities. According to its website, its dashboard provides links to "24/7 breaking news" of interest to its clients.^[1] Bulletin Intelligence's description of its services also seems to match most of the functionalities listed in the JOFOC as "unique" to Definers.

A third company allegedly researched by EPA staff, Critical Mention, claims that its clients can see coverage "one minute after it appears – more than 8 times faster than the industry standard" on an "all-in-one platform" that offers "real-time media monitoring."^[2] Its description of its services also seems to match most of the functionalities listed in the JOFOC as "unique" to Definers.

Moreover, a simple internet search identified several other similar companies that offer the services that the JOFOC claimed to be "unique" to Definers. These companies include Metro Monitor ("[r]eceive reports of your media coverage as it happens"^[3]) and Universal Information Services ("[r]eceive scheduled or near real-time e-mail notifications when your stories air"^[4]).

The JOFOC and the email chain suggest that EPA staff did little independent vetting of this contract, and instead relied upon Definers' own representations about its services. The JOFOC description of Definer's "unique qualifications" appears to have been copied almost verbatim from Definers' promotional materials. It is replete with words such as "proprietary" and "customers" that one would not expect to see in a description written by EPA staff. Under the section of the JOFOC titled "[o]ther facts supporting the use of other than full and open competition," EPA staff wrote:

"Definers Corp. states that no other service gives their clients the high level and comprehensive search functions that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console."

EPA staff also relied on Definers' representations with respect to the reasonableness of the services' cost. The JOFOC states that "the C[ontracting] O[fficer] has determined the cost to be fair and reasonable *based on information received from the contractor*" (emphasis added). An email dated November 13, 2017 further states that staff are "still waiting for a bit of information *from Definers* to complete the JOFOC" (emphasis added).

The availability of similar services from multiple companies and the acceptance at face value by EPA contracting staff of representations made by Definers in order to complete the JOFOC lead us to believe that EPA's proffered reasons for the no-bid contract with Definers were pretextual.

As such, we renew our request for answers to questions 1, 3, 4, 7, 9, and 10 from our December 19, 2017 letter as they have yet to be fully answered. While we appreciate EPA's willingness to have staff speak directly, we respectfully request that all EPA staff with full knowledge of the genesis of the Definers contract be made available to speak with our offices. We also renew our various requests for responsive documents. If there are no additional documents responsive to our original letter, we request that the appropriate official at EPA confirm that to us in writing and describe what search parameters have been used to make that determination.

Based upon the documents already provided and our May 11, 2018 discussion with career staff, we also request responses to the following additional questions:

1. Who on your team made career staff "aware" of Definers?

2. What was said to career staff in relation to Definers? Were they directed to hire Definers? If so, by whom?
3. Who made the decision to hire Definers under a no-bid contract? Please provide copies of any and all intra-agency communications relating to the decision not to use competitive bidding procedures for this contract.
4. Please explain how it is possible that the only emails we have been provided were written after Definers had already been chosen for the contract. Do no other emails mentioning Definers exist? If so, why were initial intra-agency discussions of this contract not memorialized in writing? Did anyone instruct career staff not to email about Definers? If other emails do exist, why have we not been provided them?
5. If it is your position that no one on your team instructed career staff to hire Definers, then what explains how the justification they provided for avoiding competitive bidding procedures does not appear to have any foundation in fact?

You recently gave an interview in which you stated that you “care so much about taxpayer money.”^[5] EPA’s decision to award a no-bid contract to a politically connected firm suggests precisely the opposite, and your slow and incomplete response to our inquiries in this matter further suggests that you continue to waste taxpayer money and are not being ethically compliant based on your numerous questionable agency expenditures. So that we may get to the bottom of this matter, we request that you respond by June 29, 2018 to our renewed questions on this matter.

###

^[1] News Analysis, Bulletin Intelligence, <http://www.bulletinintelligence.com/newsanalysis.aspx> (viewed on June 6, 2018)
^[2] Media Monitoring, Critical Mention, <http://www.criticalmention.com/media-monitoring/> (viewed on June 6, 2018).
^[3] Media Monitor Pro, Metro Monitor, <https://metromonitor.com/services/media-monitor-pro/> (viewed on June 6, 2018)
^[4] Services, Universal Information Services, <https://universal-info.com/services/> (viewed on June 6, 2018)
^[5] Kevin Bogardus, “Pruitt: ‘I care so much about taxpayer money,’” E&E News (May 31, 2018), https://www.eenews.net/greenwire/stories/1060083117/most_read

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Press[Press@epa.gov]
From: Friedman, Lisa
Sent: Wed 4/25/2018 2:50:55 PM
Subject: Re: Request for comment on hearings

Thanks very much. Just to clarify, my understanding from this response is also that you are not disputing the existence of the 'hot topics' document. If that is inaccurate, please let me know immediately.

Best,
Lisa

On Wed, Apr 25, 2018 at 10:47 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

“Congressional Hearings are an opportunity to reiterate the accomplishments of President Trump’s EPA, which includes: working to repeal Obama’s Clean Power Plan and WOTUS, providing regulatory certainty, and declaring a war on lead - all while returning to Reagan-era staffing levels.” – EPA spokesman, Jahan Wilcox

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Wednesday, April 25, 2018 7:32 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Request for comment on hearings

Hi Liz & Jahan,

I'm running a story today that advances the congressional hearings at which Mr. Pruitt will testify Thursday.

The story will include and make reference to a document that I have, entitled "Hot Topics." The story will characterize this document as outlining Mr. Pruitt's potential responses to likely questions during the hearings.

Can you tell me who drafted this document? I'd also like to get a comment on whether it accurately describes answers that Mr. Pruitt has been prepped by staff to give.

I won't attach the actual document but for purposes of verifying its validity with you, this with you it begins:

HOT TOPICS

Condo

Kevin Minoli, EPA's principal deputy general counsel, in a March 30 memo determined that the rate for 30 consecutive days would have equated to a monthly rent of \$1,500. Minoli described that as “reasonable market value.” He also found it did not constitute a “prohibited gift.” I would be happy to provide that memo to your staff.

These, according to the document, are some of the other topics he is prepared to address — several of which I will make reference to in the story:

SCIF; Sweeping the office; Biometric Locks; Bullet proof vehicles and tires; Office Decoration; Netjets; G7 Trip; Staffing (Raises; Samantha Dravis; Alleged Reassignment of Staff); Sue and Settle; Super Fund Task Force; Travel; First Class Travel; Morocco; Non-Commercial Flights; Homebuilders Association Hotel; Advisory Panels (membership, grants); Definers Contract; Chlorpyrifos; Climate change strategic plan; Enforcement; Funding; DOJ Funding; emails; Environmental Justice; War on Lead; IRIS; grants process; meetings with industry; Narragansett Bay; Regulatory Task Force; Reorganizations; and VERA/ViSP.

Finally, the story will point out that, according to the preparations shown in this document, Mr. Pruitt may say that other people were responsible for the bulk of the recent spending and ethics issues like frequent first class travel, the SCIF and pay raises.

I will need a comment on this by 11 a.m, and of course if you have any other comment on Mr. Pruitt's plans for testifying before Congress tomorrow I will certainly include. I'll be out of pocket for the next hour but you can also call me on my cell after 8:30 a.m. if you'd like to speak directly.

Thanks so much,

Lisa

--

Lisa Friedman

Reporter, New York Times

(202) 862-0306 office

(202) 251-2083 cell

--

Lisa Friedman

Reporter, New York Times

(202) 862-0306 office

(202) 251-2083 cell

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Press[Press@epa.gov]
From: Kevin Bogardus
Sent: Fri 3/9/2018 4:42:43 PM
Subject: RE: EPA and Go BIG Media, Inc.

Gotcha. Many thanks, Jahan. And please let me know if you guys can name the other vendor bidding for the contract. Thanks again.

-Kevin

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Friday, March 09, 2018 11:27 AM
To: Kevin Bogardus <kbogardus@eenews.net>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>
Subject: Re: EPA and Go BIG Media, Inc.

Correct, Strategies 360

Sent from my iPhone

On Mar 9, 2018, at 10:16 AM, Kevin Bogardus <kbogardus@eenews.net> wrote:

Many thanks, Jahan. This is a big help. I really appreciate it.

Just so we are clear, I'm going to say in my story that Go BIG Media, Inc. was contracted by EPA to help produce EPA's "EPA Year in Review 2017-2018" report (https://www.epa.gov/sites/production/files/2018-03/documents/year_in_review_3.5.18.pdf). I will also note that the document was ultimately made in-house, per your statement.

Also, I believe you are referring to Strategies 360 and the What's Upstream campaign, which I have covered in the past (<https://www.eenews.net/greenwire/stories/1060053483>). Please tell me if you are referring to a different firm.

And I have one follow-up questions, which is:

✍ Can you name the other vendor – the \$29,140 one – who bid for this contract?

Please get back to me before my deadline of 12:30 pm EST today. Thanks again for your help.

-Kevin

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Friday, March 09, 2018 10:02 AM
To: Kevin Bogardus <kbogardus@eenews.net>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>
Subject: Re: EPA and Go BIG Media, Inc.

"We had two options: one vendor was \$29,140 and the other was \$6,500, but ultimately this document was made in-house. This pales in comparison to the previous administration that paid \$570,000 to a Democratic campaign manager's PR firm to run EPA's What's Upstream campaign." – EPA spokesman, Jahan Wilcox

On Mar 9, 2018, at 9:35 AM, Kevin Bogardus <kbogardus@eenews.net> wrote:

Hey guys,

It's Kevin Bogardus with E&E News.

Myself and a colleague are working on a piece about Go BIG Media, Inc. and EPA. Go BIG Media, a Republican media firm, signed a contract with EPA last month to help produce an "end of year report" (<https://www.usaspending.gov/#/award/61802028>). I had some questions for you about this, which are:

- ✍ Did Go BIG Media, Inc. work on EPA's "EPA Year in Review 2017-2018" report (https://www.epa.gov/sites/production/files/2018-03/documents/year_in_review_3.5.18.pdf)? If so, what exactly did Go BIG Media do on the report? Editing? Graphics? Design? Please be specific as possible.
- ✍ Did EPA pay Go BIG Media for this work on the report? If so, how much? According to [USAspending.gov](https://www.usaspending.gov) data, \$0 of the contract has been obligated but Elliot Fuchs, Go BIG Media's controller, told me that EPA did pay the firm \$6,500 for its work for the agency. I wanted to check that with you to make sure it was accurate.
- ✍ How did Go BIG Media end up doing this work for EPA? Who contacted who first?
- ✍ Is Go BIG Media's work on this report required under the contract Go BIG Media signed with EPA last month for "design, graphics, production and edits of the EPA end of year report" (<https://www.usaspending.gov/#/award/61802028>)?
- ✍ The [USAspending.gov](https://www.usaspending.gov) data shows there were two offers received for this contract. Who else bid for this contract?
- ✍ Go BIG Media is a Republican media firm. The last time a Republican firm, Definers Corp., had a contract with EPA, Definers ended up losing its contract with EPA. Are you worried about a similar backlash to this contract?

Please get back to me as soon as possible. My deadline is 12:30 pm EST today but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

202-446-0401 (p)

202-247-7844 (c)

202-737-5299 (f)

Follow me [@KevinBogardus](https://twitter.com/KevinBogardus)

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Press[Press@epa.gov]
From: Kevin Bogardus
Sent: Fri 3/9/2018 3:16:10 PM
Subject: RE: EPA and Go BIG Media, Inc.

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To: Kevin Bogardus <kbogardus@eenews.net>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Press <Press@epa.gov>
Subject: Re: EPA and Go BIG Media, Inc.

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- How did Go BIG Media end up doing this work for EPA? Who contacted who first?

- Is Go BIG Media's work on this report required under the contract Go BIG Media signed with EPA last month for "design, graphics, production and edits of the EPA end of year report" (<https://www.usaspending.gov/#/award/61802028>)?
- The [USAspending.gov](https://www.usaspending.gov) data shows there were two offers received for this contract. Who else bid for this contract?
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Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

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202-247-7844 (c)

202-737-5299 (f)

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To: Daniell, Kelsi[daniell.kelsi@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Block, Molly[block.molly@epa.gov]
From: Abboud, Michael
Sent: Tue 6/19/2018 9:27:17 PM
Subject: Re: EPA Definers Corp. contract

I think we just give the staple response.

Draft: "We will respond to the Senators through the proper channels."

Sent from my iPhone

On Jun 19, 2018, at 5:23 PM, Daniell, Kelsi <daniell.kelsi@epa.gov> wrote:

For situational awareness re Kevin's latest inquiry

Sent from my iPad

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: Kevin Bogardus <kbogardus@eenews.net>
Date: May 24, 2018 at 11:32:27 AM EDT
To: "Abboud, Michael" <abboud.michael@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Block, Molly" <block.molly@epa.gov>, "Daniell, Kelsi" <daniell.kelsi@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Lynn, Tricia" <lynn.tricia@epa.gov>, Press <Press@epa.gov>
Subject: RE: EPA Definers Corp. contract

Gotcha, Mike. Many thanks. Appreciate it.

-Kevin

From: Abboud, Michael [mailto:abboud.michael@epa.gov]
Sent: Thursday, May 24, 2018 11:23 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Kevin Bogardus <kbogardus@eenews.net>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>
Subject: RE: EPA Definers Corp. contract

On background I can confirm that both of your questions about Tricia Lynn and Nancy Grantham are correct.

From: Wilcox, Jahan
Sent: Thursday, May 24, 2018 11:08 AM
To: Kevin Bogardus <kbogardus@eenews.net>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>
Subject: RE: EPA Definers Corp. contract

“The Definers contract was for news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.”
– EPA spokesman, Jahan Wilcox

From: Kevin Bogardus [<mailto:kbogardus@eenews.net>]

Sent: Thursday, May 24, 2018 11:02 AM

To: Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>

Subject: EPA Definers Corp. contract

Hey everyone,

It's Kevin Bogardus with E&E News.

I'm working on a story about EPA's canceled contract with Definers Corp. I obtained contracting records under the Freedom of Information Act that shed more light on the contract (please see https://www.eenews.net/assets/2018/05/17/document_gw_02.pdf). I had a question about this, which is:

- Why did EPA sign this contract with Definers Corp.?

And I had a few fact-checking questions about this as well, which are:

- Nancy Grantham, as acting principal deputy associate administrator in EPA's Office of Public Affairs, is the top career official in EPA's OPA (please see page 58 of https://www.eenews.net/assets/2018/05/17/document_gw_02.pdf). Is that accurate?
- Tricia Lynn is a career employee in EPA's OPA (please page 21 of https://www.eenews.net/assets/2018/05/17/document_gw_02.pdf). Is that accurate?

Please get back to me as soon as possible. My deadline is 12:30 pm EST today but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus

E&E News reporter

kbogardus@eenews.net

202-446-0401 (p)

202-247-7844 (c)

202-737-5299 (f)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Thur 3/8/2018 3:26:40 PM
Subject: IG LEAKS - 4

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Monday, December 18, 2017 11:47 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Bug sweeping, biometric locks

Liz, Jahan,

AP will be publishing a story about \$3,000 in taxpayer funds expended in April for a contractor to sweep Administrator Pruitt’s office for electronic listening devices. We will also be reporting on spending to install biometric locks in his suite.

When coupled with the previously reported purchase of the privacy booth, it raises questions about why Pruitt feels the need to invest in courier-surveillance measures that none of his predecessors felt were necessary. EPA headquarters is a secure building with armed security and metal detectors at the entrances. Pruitt also has his personal security detail. Is the administrator concerned about the potential for electronic spying against him by the agency’s own employees?

As part of the same story, we will also be mentioning the \$120,000 Definers contract and the FOIAs filed by America Rising targeted at EPA employees viewed as potentially disloyal to the Trump administration. Please provide any comment you have on those issues.

Thanks,

Michael



ASSOCIATED PRESS

Michael Biesecker
Reporter
mbiesecker@ap.org
Twitter: @mbieseck
[Public Key](#)

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“There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here.” -- Mark Twain, 1906

“I go with Custer and will be at the death.” – AP reporter Mark Kellogg’s final dispatch from the Battle of the Little Bighorn, 1876

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To: Greaves, Holly[greaves.holly@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Fri 2/9/2018 6:01:38 PM
Subject: FW: Questions about EPA morale

Have a question for you Holly which I will come up for.

From: Fimrite, Peter [mailto:PFimrite@sfchronicle.com]
Sent: Friday, February 9, 2018 12:58 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Questions about EPA morale

Are your comments below off the record or can I quote you on any of them? You have them in quotes with your name attached. I would like to quote a couple of those answers. Also, I'm hearing that Region 9 will be facing a 10 percent personnel reduction by the end of fiscal year 2018, according to goals laid out by the EPA's Office of the Chief Financial Officer. Can you confirm this for me?

I definitely would like to tell about the actions of Congress rather than leaving the tea leaves of proposals. Can you give me some idea about what the budget passed last night means for the EPA in terms of cuts?

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Friday, February 09, 2018 6:26 AM
To: Fimrite, Peter <PFimrite@sfchronicle.com>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Questions about EPA morale

Peter –

Off-the-record, in regards to budget proposals would just remind you that this morning the Senate passed a two-year budget that will fund the government. Rather than leaving the tea leaves of proposals, believe your readers would like to know the action that Congress has taken, which includes passing a budget that again funds the entire government for the next two years.

- **Today, Friday, February 9, 2018, Congress Passed A Budget That Will Fund The Government For The Next Two Years.** “After a temporary lapse in government funding that lasted through the night, Congress passed a pricey two-year spending deal early Friday that will also fund the government for an additional six weeks. The government temporarily closed after Congress failed to pass a government funding bill before a midnight deadline due to the objections of one senator, shutting down non-essential government services. In the end, a bipartisan cohort of lawmakers supported the \$400 billion agreement. Shortly after 1:30 a.m. ET, the Senate voted, 71-28, to approve a two-year spending bill that would reopen the government, and the House passed it at 5:30 a.m. with the support of 240 members. Trump tweeted Wednesday morning that he had signed the bill, officially ending the brief shutdown.” ([NBC News](#), 02/09/18)

Additionally, **below are some on-the-record responses** to your questions. Some of these answers took a while to find and we hope that you will be able to use as much as possible.

Jahan

From: Fimrite, Peter [mailto:PFimrite@sfchronicle.com]
Sent: Wednesday, February 7, 2018 3:54 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Questions about EPA morale

Thanks for getting back to me. Here are some questions and issues I'd like to have addressed:

The folks I've talked to say morale is as low as it has ever been at Region 9 and that many long time employees have been taking

early retirement, buyouts or quitting as a result, mostly, in response to what they say is a de-emphasis on science and environmental protection, the core work of the EPA.

- **“From Administrator Pruitt’s focus on cleaning up toxic Superfund sites, his leadership during the government shutdown that kept the agency open and paid every employee, to EPA’s Region 9 where just 11 employees took an early retirement and nearly a quarter of the employees are working despite being eligible to retire, morale is great at EPA.”** – EPA spokesman, Jahan Wilcox

Three former employees and another current one say the office is short staffed, that Superfund sites have been prioritized, with some now on the back burner, and that the words “climate change” were scrubbed from contracts and grants, a form of censorship.

- **“Administrator Pruitt has placed a renewed focused on cleaning up toxic Superfund sites. We are reviewing every grant and 99.84 percent of all grants have been awarded.”** – EPA spokesman, Jahan Wilcox

Another complaint is that industry and business metrics have been brought in to change the culture of the office and downsize and streamline environmental regulation.

- **“Administrator Pruitt is proud to streamline regulations, which is creating regulatory certainty.”** – EPA spokesman, Jahan Wilcox

Many have told me off the record that they are scared to say anything and generally speak with each other in winks and whispers or out of the office because they fear being exposed by the consulting firm Definers Public Affairs, which they say has spent the past year investigating agency employees critical of the Trump administration and Pruitt. Is this true?

- **“No this is not accurate. Like any government agency, all EPA employees are subjected to the Freedom of Information Act (FOIA) and in terms of the FOIAs nearly all are aimed at political, not career employees.”** – EPA spokesman, Jahan Wilcox

Many are also critical of the fact that the two people considered for the administrator job both worked in the oil, gas or mining industry. Can you confirm that Ryan Flynn and Chris Paul were considered for the position. How is the search for a new administrator going and what are you looking for in the leader?

- **“We don’t discuss who have been or not been interviewed for the Region 9 Administrator or any other position. The Administration is carefully considering many highly qualified candidates for Region 9 and will announce another great regional administrator soon.”** – EPA spokesman, Jahan Wilcox

From: Wilcox, Jahan [<mailto:wilcox.jahan@epa.gov>]

Sent: Wednesday, February 07, 2018 12:26 PM

To: Fimrite, Peter <PFimrite@sfchronicle.com>

Subject: RE: Questions about EPA morale

Call me or send me specific examples and I will do my best to address them.

Jahan Wilcox

EPA

Strategic Communications Advisor

Work Cell: 202.309.0934

Work Email: wilcox.jahan@epa.gov

From: Wilcox, Jahan
Sent: Wednesday, February 7, 2018 3:20 PM
To: Fimrite, Peter <PFimrite@sfchronicle.com>; Press <Press@epa.gov>
Subject: RE: Questions about EPA morale

Will handle.

From: Fimrite, Peter [<mailto:PFimrite@sfchronicle.com>]
Sent: Wednesday, February 7, 2018 2:36 PM
To: Press <Press@epa.gov>
Subject: Questions about EPA morale

I'm working on a story about all the changes occurring at the EPA and the effect it has had on employees in the various regions, particularly region 9. I was hoping for a comment from the administration or a spokesman. Please call me at 415-777-8454.

Peter Fimrite

Staff Writer

San Francisco Chronicle

Work: 415-777-8454

Cell: 415-298-2197

Email: pfimrite@sfchronicle.com

Twitter: [@pfimrite](https://twitter.com/pfimrite)

To: Fimrite, Peter[PFimrite@sfchronicle.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Fri 2/9/2018 2:25:55 PM
Subject: RE: Questions about EPA morale

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Thanks for getting back to me. Here are some questions and issues I'd like to have addressed:

The folks I've talked to say morale is as low as it has ever been at Region 9 and that many long time employees have been taking early retirement, buyouts or quitting as a result, mostly, in response to what they say is a de-emphasis on science and environmental protection, the core work of the EPA.

- **“From Administrator Pruitt’s focus on cleaning up toxic Superfund sites, his leadership during the government shutdown that kept the agency open and paid every employee, to EPA’s Region 9 where just 11 employees took an early retirement and nearly a quarter of the employees are working despite being eligible to retire, morale is great at EPA.”** – EPA spokesman, Jahan Wilcox

Three former employees and another current one say the office is short staffed, that Superfund sites have been prioritized, with some now on the back burner, and that the words “climate change” were scrubbed from contracts and grants, a form of censorship.

- **“Administrator Pruitt has placed a renewed focused on cleaning up toxic Superfund sites. We are reviewing every grant and 99.84 percent of all grants have been awarded.”** – EPA spokesman, Jahan Wilcox

Another complaint is that industry and business metrics have been brought in to change the culture of the office and downsize and streamline environmental regulation.

- **“Administrator Pruitt is proud to streamline regulations, which is creating regulatory certainty.”** – EPA spokesman, Jahan Wilcox

Many have told me off the record that they are scared to say anything and generally speak with each other in winks and whispers or out of the office because they fear being exposed by the consulting firm Definers Public Affairs, which they say has spent the past year investigating agency employees critical of the Trump administration and Pruitt. Is this true?

- **“No this is not accurate. Like any government agency, all EPA employees are subjected to the Freedom of Information Act (FOIA) and in terms of the FOIAs nearly all are aimed at political, not career employees.”** – EPA spokesman, Jahan Wilcox

Many are also critical of the fact that the two people considered for the administrator job both worked in the oil, gas or mining industry. Can you confirm that Ryan Flynn and Chris Paul were considered for the position. How is the search for a new administrator going and what are you looking for in the leader?

- **“We don’t discuss who have been or not been interviewed for the Region 9 Administrator or any other position. The Administration is carefully considering many highly qualified candidates for Region 9 and will announce another great regional administrator soon.”** – EPA spokesman, Jahan Wilcox

From: Wilcox, Jahan [<mailto:wilcox.jahan@epa.gov>]
Sent: Wednesday, February 07, 2018 12:26 PM
To: Fimrite, Peter <PFimrite@sfchronicle.com>
Subject: RE: Questions about EPA morale

Call me or send me specific examples and I will do my best to address them.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Wilcox, Jahan
Sent: Wednesday, February 7, 2018 3:20 PM
To: Fimrite, Peter <PFimrite@sfchronicle.com>; Press <Press@epa.gov>
Subject: RE: Questions about EPA morale

Will handle.

From: Fimrite, Peter [<mailto:PFimrite@sfchronicle.com>]
Sent: Wednesday, February 7, 2018 2:36 PM
To: Press <Press@epa.gov>
Subject: Questions about EPA morale

I’m working on a story about all the changes occurring at the EPA and the effect it has had on employees in the various regions, particularly region 9. I was hoping for a comment from the administration or a spokesman. Please call me at 415-777-8454.

Peter Fimrite
Staff Writer
San Francisco Chronicle
Work: 415-777-8454
Cell: 415-298-2197
Email: pfimrite@sfchronicle.com

To: Biesecker, Michael[MBiesecker@ap.org]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Tue 12/19/2017 6:05:08 PM
Subject: RE: Julie and Michael -

“How we consume our news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor.”

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Tuesday, December 19, 2017 1:02 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: Julie and Michael -

Definers says its contract with EPA has been canceled. Do you wish to update Jahan’s statement from yesterday?

“Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services. This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient. If you have questions regarding how Definers operates, we encourage you to contact them.” – EPA spokesman, Jahan Wilcox

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Monday, December 18, 2017 5:10 PM
To: Biesecker, Michael <MBiesecker@ap.org>; Pace, Julie <JPace@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Julie and Michael -

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“A similar security sweep was done for EPA Administrator Lisa Jackson.” – EPA spokesman, Jahan Wilcox

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To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>

Subject: Bug sweeping, biometric locks

Liz, Jahan,

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When coupled with the previously reported purchase of the privacy booth, it raises questions about why Pruitt feels the need to invest in courier-surveillance measures that none of his predecessors felt were necessary. EPA headquarters is a secure building with armed security and metal detectors at the entrances. Pruitt also has his personal security detail. Is the administrator concerned about the potential for electronic spying against him by the agency's own employees?

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ASSOCIATED PRESS

Michael Biesecker
Reporter
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Sent: Monday, December 18, 2017 11:47 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Bug sweeping, biometric locks

Liz, Jahan,

AP will be publishing a story about \$3,000 in taxpayer funds expended in April for a contractor to sweep Administrator Pruitt’s office for electronic listening devices. We will also be reporting on spending to install biometric locks in his suite.

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“Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services. This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient. If you have questions regarding how Definers operates, we encourage you to contact them.” – EPA spokesman, Jahan Wilcox

Thanks,

Michael



ASSOCIATED PRESS

Michael Biesecker

Reporter

mbiesecker@ap.org

Twitter: @mbieseck

[Public Key](#)

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Pace, Julie[JPace@ap.org]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Biesecker, Michael
Sent: Mon 12/18/2017 6:05:16 PM
Subject: RE: Julie and Michael -

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Sent: Monday, December 18, 2017 12:29 PM
To: Pace, Julie <JPace@ap.org>; Biesecker, Michael <MBiesecker@ap.org>
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Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Mon 12/18/2017 5:41:26 PM
Subject: RE: Julie and Michael -

One more quote ...

“A similar security sweep was done for EPA Administrator Lisa Jackson.” – EPA spokesman, Jahan Wilcox

From: Wilcox, Jahan
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To: 'Pace, Julie' <JPace@ap.org>; 'Biesecker, Michael' <MBiesecker@ap.org>
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Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Mon 12/18/2017 5:28:55 PM
Subject: Julie and Michael -

Below are our on-the-record responses in bold that you can attribute to me.

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Monday, December 18, 2017 11:47 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Bug sweeping, biometric locks

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Biesecker, Michael
Sent: Mon 12/18/2017 4:47:02 PM
Subject: Bug sweeping, biometric locks

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Michael Biesecker	1100 13 St. NW, Suite 700
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To: Biesecker, Michael[MBiesecker@ap.org]; Pace, Julie[JPace@ap.org]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Mon 12/18/2017 10:10:11 PM
Subject: RE: Julie and Michael -

Adding Julie Pace, again. We have answered your questions with the following on-the-record statements.

“A similar security sweep was done for EPA Administrator Lisa Jackson.” – EPA spokesman, Jahan Wilcox

“Administrator Pruitt has received an unprecedented amount of threats against him and while the Associated Press attempts to trivialize his safety, there is nothing nefarious about security decisions made by EPA’s Protective Service Detail.” – EPA spokesman, Jahan Wilcox

“Please ask your source, who apparently has access to the database of EPA’s expenditures.” – EPA spokesman, Jahan Wilcox

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Monday, December 18, 2017 5:05 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Julie and Michael -

Also confirming that you decline to comment on the specific questions in yellow below ...

From: Biesecker, Michael
Sent: Monday, December 18, 2017 1:27 PM
To: 'Wilcox, Jahan' <wilcox.jahan@epa.gov>; Pace, Julie <JPace@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Julie and Michael -

Jahan,

Again, we are willing to include the details of the similar spending under Lisa Jackson, but we don’t have immediate access to EPA’s records. Please provide the details of the spending to which you refer. Otherwise, we will be left to say we couldn’t immediately verify the charge you claim. **Could you at least provide the date, amount and contractor so we can try to check it out?**

Also, just to clarify, is it you on-the-record contention that Pruitt in no way requested the bug sweep, but that **this was an independent decision made solely by the EPA Protective Service Detail? Can you say concretely whether the administrator was even aware of the decision?**

Thanks,

Michael

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Monday, December 18, 2017 1:16 PM
To: Pace, Julie <JPace@ap.org>; Biesecker, Michael <MBiesecker@ap.org>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Julie and Michael -

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Sent: Monday, December 18, 2017 1:05 PM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Pace, Julie <JPace@ap.org>

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Subject: Bug sweeping, biometric locks

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"There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here." -- Mark Twain, 1906

"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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To: Lisa Friedman[lisa.friedman@nytimes.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 3:48:40 PM
Subject: RE: Follow up question on MJ story

Checking with the folks in the office of acquisition management.

From: Lisa Friedman [mailto:lisa.friedman@nytimes.com]
Sent: Friday, December 15, 2017 10:21 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Press <Press@epa.gov>
Subject: Re: Follow up question on MJ story

And why was this a no-bid contract when other companies perform the same service?

Lisa Friedman
Reporter, The New York Times
202-862-0306 office

202-251-2083 cell
Lisa.Friedman@nytimes.com
Twitter: @LFFriedman

On Dec 15, 2017, at 10:20 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

“The Definers contract is for media monitoring/news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

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Hello,
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Secondly - were there any issues with Bulletin that caused EPA to switch providers for this service?

Third, as there are clearly other companies that perform this work – – like the one EPA had previously contracted with – – can you please provide an explanation of why this was a no-bid contract.

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To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 3:40:31 PM
Subject: FW: Follow up question on MJ story

This is based on our conversation. Please feel free to edit this so that it's 100 percent accurate regarding the process. Thank you.

"This was a sole-source contract, it was publicly notified where one additional vendor made a bid and the media monitoring/news clips contract was awarded to Definers."

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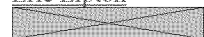
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Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Lisa Friedman[lisa.friedman@nytimes.com]
From: Lipton, Eric
Sent: Wed 12/20/2017 11:14:25 PM
Subject: Re: Question about FOIA responses here

Thanks for this response.
I appreciate it.

Eric Lipton



Washington Bureau
202 862 0448 office
202 370 7951 mobile
lipton@nytimes.com

On Wed, Dec 20, 2017 at 3:09 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

According to the document you provided, the average time for a simple request to be filled is 18 days. Of these 17 requests, 16 were simple and 8 have been closed.

From: Lipton, Eric [mailto:lipton@nytimes.com]
Sent: Tuesday, December 19, 2017 3:46 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Lisa Friedman <lisa.friedman@nytimes.com>
Subject: Re: Question about FOIA responses here

Here are the requests from Allan

Getting you comparative data on FOIA responses in general

Eric Lipton



Washington Bureau
[202 862 0448](tel:2028620448) office
[202 370 7951](tel:2023707951) mobile
lipton@nytimes.com

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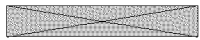
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Thanks in advance for your help. A response this afternoon is needed.

Eric

ED_002048_00009667-00002

Eric Lipton



Washington Bureau

202 862 0448 office

202 370 7951 mobile

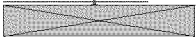
lipton@nytimes.com

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Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Lisa Friedman[lisa.friedman@nytimes.com]
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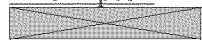
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Thanks in advance for your help. A response this afternoon is needed.

Eric

Eric Lipton



Washington Bureau

202 862 0448 office

202 370 7951 mobile

lipton@nytimes.com

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Wilcox, Jahan
Sent: Wed 4/25/2018 2:32:10 PM
Subject: RE: APPROVAL: Request for comment on hearings

RJ – good to go? We got an 11a deadline.

“These hearings are an opportunity to reiterate the accomplishments of President Trump’s EPA which includes: working to repeal Obama’s Clean Power Plan and WOTUS, providing regulator certainty, and declaring a war on lead all while returning to Reagan-era staffing levels.” – EPA spokesman, Jahan Wilcox

From: Ferguson, Lincoln
Sent: Wednesday, April 25, 2018 9:19 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: RE: APPROVAL: Request for comment on hearings

Good with me

From: Lyons, Troy
Sent: Wednesday, April 25, 2018 9:07 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: APPROVAL: Request for comment on hearings

Looks good

Sent from my iPhone

On Apr 25, 2018, at 8:45 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

We should continue to lower the bar and praise Trump. Below is a statement regarding hearing prep that we can use throughout the day:

“These hearings are an opportunity to reiterate the accomplishments of President Trump’s EPA which includes: working to repeal Obama’s Clean Power Plan and WOTUS, providing regulator certainty, and declaring a war on lead all while returning to Reagan-era staffing levels.” – EPA spokesman, Jahan Wilcox

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Wednesday, April 25, 2018 7:32 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Request for comment on hearings

Hi Liz & Jahan,

I'm running a story today that advances the congressional hearings at which Mr. Pruitt will testify Thursday.

The story will include and make reference to a document that I have, entitled "Hot Topics." The story will characterize this document as outlining Mr. Pruitt's potential responses to likely questions during the hearings.

Can you tell me who drafted this document? I'd also like to get a comment on whether it accurately describes answers that Mr. Pruitt has been prepped by staff to give.

I won't attach the actual document but for purposes of verifying its validity with you, this with you it begins:

HOT TOPICS

Condo

Kevin Minoli, EPA's principal deputy general counsel, in a March 30 memo determined that the rate for 30 consecutive days would have equated to a monthly rent of \$1,500. Minoli described that as “reasonable market value.” He also found it did not constitute a “prohibited gift.” I would be happy to provide that memo to your staff.

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These, according to the document, are some of the other topics he is prepared to address — several of which I will make reference to in the story:

SCIF; Sweeping the office; Biometric Locks; Bullet proof vehicles and tires; Office Decoration; Netjets; G7 Trip; Staffing (Raises; Samantha Dravis; Alleged Reassignment of Staff); Sue and Settle; Super Fund Task Force; Travel; First Class Travel; Morocco; Non-Commercial Flights; Homebuilders Association Hotel; Advisory Panels (membership, grants); Definers Contract; Chlorpyrifos; Climate change strategic plan; Enforcement; Funding; DOJ Funding; emails; Environmental Justice; War on Lead; IRIS; grants process; meetings with industry; Narragansett Bay; Regulatory Task Force; Reorganizations; and VERA/ViSP.

Finally, the story will point out that, according to the preparations shown in this document, Mr. Pruitt may say that other people were responsible for the bulk of the recent spending and ethics issues like frequent first class travel, the SCIF and pay raises.

I will need a comment on this by 11 a.m, and of course if you have any other comment on Mr. Pruitt's plans for testifying before Congress tomorrow I will certainly include. I'll be out of pocket for the next hour but you can also call me on my cell after 8:30 a.m. if you'd like to speak directly.

Thanks so much,

Lisa

--

Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Lisa Friedman[lisa.friedman@nytimes.com]
From: Lipton, Eric
Sent: Tue 12/19/2017 9:18:34 PM
Subject: Re: One other question re Definers

I did not realize you had already addressed this point with Lisa on the record.
So we are all set re this question of disadvantaged status matter.

Eric

Eric Lipton



Washington Bureau
202 862 0448 office
202 370 7951 mobile
lipton@nytimes.com

On Tue, Dec 19, 2017 at 4:09 PM, Lipton, Eric <lipton@nytimes.com> wrote:

Hi Liz and Jahan

In applying for the contract, Definers listed itself as a small disadvantaged business.
Only after the contract was awarded, did it revise this filing
Is this a discrepancy that EPA intends to pursue?

System for Award Management – Definers Corp., [8/31/17](#)
[System for Award Management – Definers Corp., [12/16/17](#)]

Improperly listing one's status is a violation of federal law.

15 U.S. Code § 645, “(1) Whoever misrepresents the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, or a ‘small business concern owned and controlled by women’, in order to obtain for oneself or another any—(A) prime contract to be awarded pursuant to section 638, 644, or 657a of this title [...] shall be subject to the penalties and remedies described in paragraph (2). (2)Any person who violates paragraph (1) shall— (A) be punished by a fine of not more than \$500,000 or by imprisonment for not more than 10 years, or both.” [[15 U.S. Code § 645](#)]

Can you let me know if this is something the EPA intends to pursue?

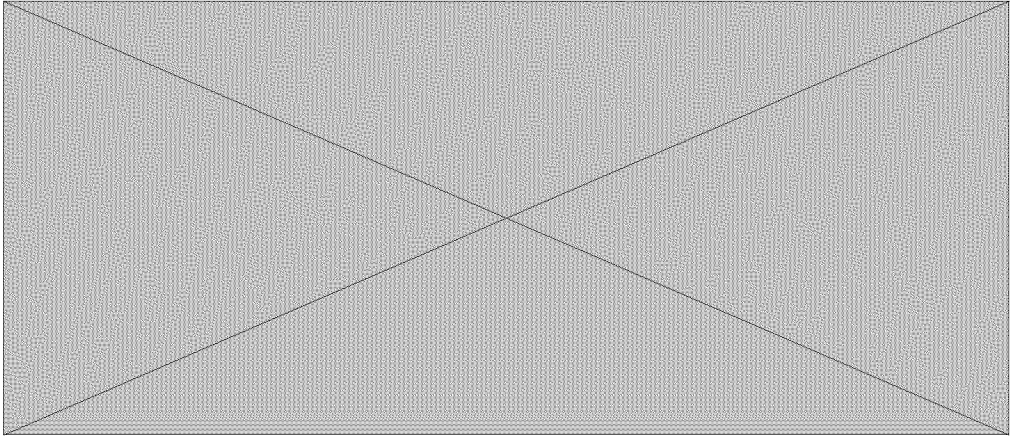
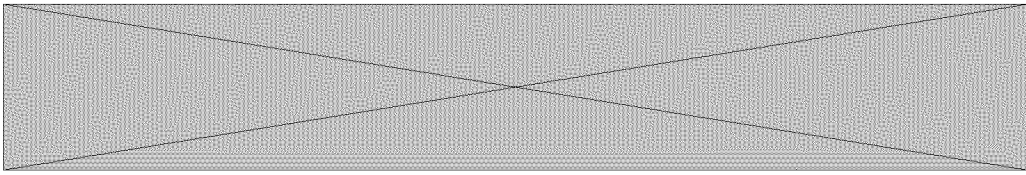
Thanks again

ERIC

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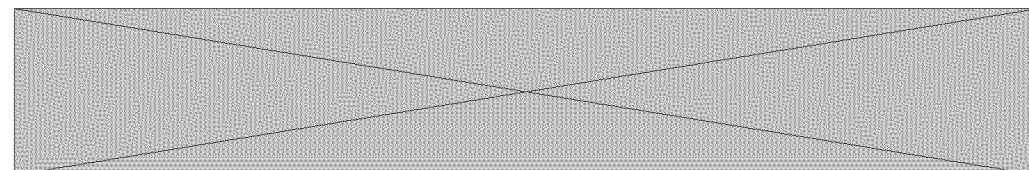
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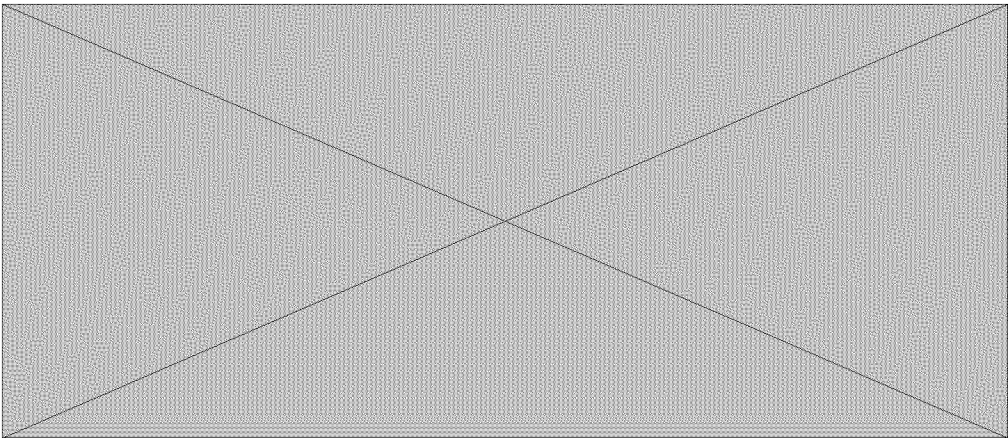
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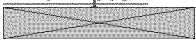
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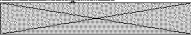
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Sent: Wednesday, April 25, 2018 9:07 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: Re: APPROVAL: Request for comment on hearings

Looks good

Sent from my iPhone

On Apr 25, 2018, at 8:45 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

We should continue to lower the bar and praise Trump. Below is a statement regarding hearing prep that we can use throughout the day:

“These hearings are an opportunity to reiterate the accomplishments of President Trump’s EPA which includes: working to repeal Obama’s Clean Power Plan and WOTUS, providing regulator certainty, and declaring a war on lead all while returning to Reagan-era staffing levels.” – EPA spokesman, Jahan Wilcox

From: Friedman, Lisa [<mailto:lisa.friedman@nytimes.com>]
Sent: Wednesday, April 25, 2018 7:32 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Request for comment on hearings

Hi Liz & Jahan,

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The story will include and make reference to a document that I have, entitled "Hot Topics." The story will characterize this document as outlining Mr. Pruitt's potential responses to likely questions during the hearings.

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Thanks so much,

Lisa

--

Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
From: Lyons, Troy
Sent: Wed 4/25/2018 1:06:34 PM
Subject: Re: APPROVAL: Request for comment on hearings

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Sent from my iPhone

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(202) 862-0306 office
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To: Jackson, Ryan[jackson.ryan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
From: Wilcox, Jahan
Sent: Wed 4/25/2018 12:45:11 PM
Subject: APPROVAL: Request for comment on hearings

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Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Bowman, Liz
Sent: Mon 12/18/2017 7:00:11 PM
Subject: RE: follow up questions on Definers Public Affairs contract

Anything we need to do here? Or are we leaving this one? Nancy, is the answer to number three a mistake that was made on our side?

From: Friedman, Lisa [mailto:lisa.friedman@nytimes.com]
Sent: Monday, December 18, 2017 12:38 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Press <Press@epa.gov>
Subject: follow up questions on Definers Public Affairs contract

Hi folks. I have a few follow up questions on the nature of the contract with Definers I hope you can answer.

1. The contract itself notes that it was a sole-source notification, a no-bid contract. Can you explain to me why this qualified as a no-bid contract. Are they the only company that can provide this service? Unique in some way? Is there any written justification that was conducted that you can provide me?
2. You noted in an earlier response to me that in a sole-source notification a notice must be placed on federal websites to other vendors may provide proof of their ability to conduct the services. In this case, you noted, one additional vendor did so. Can you please provide the name and/or response itself of the company that responded?
- 3. The contract notes that Definers is self-designated as a disadvantaged business. Executives at Definers said they believe that is a clerical error and that they did not purposely claim any disadvantaged status. Can you please explain to me why the company is designated as such, how that came to be, and if any benefits were incurred to the company because of that status.**

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Lisa

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Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
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To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Kelly, Albert[kelly.albert@epa.gov]
From: Bowman, Liz
Sent: Wed 4/25/2018 1:46:49 PM
Subject: RE: APPROVAL: Request for comment on hearings

Small edits:

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Thanks so much,

Lisa

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Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Dews, Donna[Dews.Donna@epa.gov]; Brown, Rayna[brown.rayna@epa.gov]
From: Marusak, Kirk
Sent: Thur 3/22/2018 2:16:17 PM
Subject: RE: FOIA Requests EPA-HQ-2018-002788 and EPA-HQ-2018-003122 - Name and Email Address Contained in Email Messages - Need Your Response - Thank You

Thank you, Donna.

Kirk R. Marusak
Government Information Specialist
Office of Acquisition Management
U.S. Environmental Protection Agency
Phone: (202) 564-4493
Fax: (202) 564-2553
Marusak.Kirk@epa.gov

From: Dews, Donna
Sent: Thursday, March 22, 2018 9:52 AM
To: Marusak, Kirk <Marusak.Kirk@epa.gov>; Brown, Rayna <brown.rayna@epa.gov>
Subject: Re: FOIA Requests EPA-HQ-2018-002788 and EPA-HQ-2018-003122 - Name and Email Address Contained in Email Messages - Need Your Response - Thank You

Hi Kirk/Rayna

I will get you the emails of your request. There are 2 other parties that have emails regarding this matter:

Jody Gosnell, CO

Jessica Wilson, CO

Donna Dews

From: Marusak, Kirk
Sent: Thursday, March 22, 2018 9:18:38 AM
To: Brown, Rayna; Dews, Donna
Subject: RE: FOIA Requests EPA-HQ-2018-002788 and EPA-HQ-2018-003122 - Name and Email Address Contained in Email Messages - Need Your Response - Thank You

Hi, Rayna and Donna,

I only need all email messages between staff within OAM and people working outside of OAM regardless of who they worked for, government or non-government. The email messages should only concern the termination of the Definers Contract or Purchase Order EP-18-H-000025. I will not ask you (Rayna) for any other information from the Definers procurement. Hopefully, I can get those email messages from you (Rayna) today. I am off tomorrow (3/23/18).

The email messages with Chiara Bucchi of Industrial Economics, Incorporated involved Jessica Wilson and Donna Dews. Donna should be able to tell me the relationship between Ms.

Bucchi's and her company's relationship to the EPA and to the contractor, Definers Public Affairs. I do not know whether or not to include the email messages with Chiara Bucchi unless I know what role that she played in this procurement. Once Donna lets me know, then I can finish OAM's portion of the last 2 FOIA requests, EPA-HQ-2018-002788 and EPA-HQ-2018-003122.

Thank you.

Kirk R. Marusak

Government Information Specialist
Office of Acquisition Management
U.S. Environmental Protection Agency
Phone: (202) 564-4493
Fax: (202) 564-2553
Marusak.Kirk@epa.gov

From: Brown, Rayna

Sent: Thursday, March 22, 2018 6:40 AM

To: Marusak, Kirk <Marusak.Kirk@epa.gov>; Dews, Donna <Dews.Donna@epa.gov>

Subject: RE: FOIA Requests EPA-HQ-2018-002788 and EPA-HQ-2018-003122 - Name and Email Address Contained in Email Messages - Need Your Response - Thank You

Hello Kirk,

Please be advised that I am no longer involved in supporting the cognizant Service Center responsible for administering this order and cognizance over the response efforts for this FOIA except to the extent were you need emails. However, the email involving Chiara Bucchi of Industrial Economics, Incorporated sounds unfamiliar to me. Did this email involve me? If not, engage Donna solely on what you need as I no longer am leading this FOIA response. Jody Gosnell is the Team Leader. Thank you and stay safe and warm! 💎

Kind regards,

Rayna Brown
Service Center Manager
U.S. Environmental Protection Agency (U.S. EPA)
OAM/HPOD/Pre-Award Solutions Team
(202) 564.6025 Office

From: Marusak, Kirk

Sent: Tuesday, March 20, 2018 4:28 PM

To: Brown, Rayna <brown.rayna@epa.gov>; Dews, Donna <Dews.Donna@epa.gov>

Subject: FOIA Requests EPA-HQ-2018-002788 and EPA-HQ-2018-003122 - Name and Email Address Contained in Email Messages - Need Your Response - Thank You

Hi, Rayna and Donna,

I have noticed in some of the email messages contained in the file folder of Purchase Order EP-18-H-000025 that there was communication by OAM staff with Chiara Bucchi of Industrial Economics, Incorporated. What is Ms. Bucchi's and her company's relationship to the EPA and to the contractor, Definers Public Affairs? I need to know how to treat email messages to or from Chiara Bucci. Please let me know. Thank you.

Kirk R. Marusak

Government Information Specialist
Office of Acquisition Management
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Phone: (202) 564-4493
Fax: (202) 564-2553
Marusak.Kirk@epa.gov

To: Dews, Donna[Dews.Donna@epa.gov]
From: Russ Choma
Sent: Mon 12/18/2017 8:57:48 PM
Subject: Definers Corp

Hi Donna,

My name is Russ Choma, I'm a reporter with *Mother Jones* magazine here in DC. I'm working on a story about an EPA contract with a company called Definers Corp. According to the contract's record, you helped prepare the entry. I have a few questions I would like to ask – I can be reached at my office at 202.626.7253, or through the Signal app at 603.785.4610. I appreciate any help you can give,

Thanks,

--

Russ Choma
Mother Jones
rchoma@motherjones.com
202.626.7253

Region 1

Hot Issues

Lead Action Levels Exceeded in Four Massachusetts Communities

- Region 1 was informed by the Massachusetts DEP that four large community systems exceed the drinking water lead action level of 15 ppb.
- The communities of Melrose, Medford, Winthrop and Quincy are all served by the Massachusetts Water Resources Authority (MWRA).
- Region 1 will help MA DEP develop and oversee response strategies.
- Issues to be discussed include (b)(5) - DPP

(b)(5) - DPP

Chinese Delegation Visits Region 1 to Learn about U.S. Enforcement of Environmental Laws

- Region 1 welcomed a group of 25 Chinese officials from the Ministry of Environmental Protection (MEP) and local environmental bureaus.
- The delegation met with staff to learn how environmental laws and regulations are enforced and how violations are identified and litigated.
- The meeting was a part of a two-week study tour to learn about U.S. experience in enforcement and compliance to achieve environmental protection.

Upcoming Public Events

None.

Upcoming Major Decisions

None.

Highlights from last week

Vineyard Wind Submits Notice of Intent for 800 MW Offshore Wind Farm

- On Dec. 11 Vineyard Wind submitted a notice of intent to submit a Clean Air Act preconstruction permit application within 18 months, pursuant to the Outer Continental Shelf (OCS) regulations.
- The 800 MW proposed project will help satisfy the Massachusetts state law requiring utilities to purchase up to 1,600 MW of electricity from offshore wind farms by 2027.
- EPA will be the permitting authority and, consistent with Clean Air Act OCS regulations, will initiate a consistency review of applicable regulations in the corresponding onshore area that will be published in the Federal Register.

Region 1 and MA DEP Conduct Lead & Copper Rule Training

- MA DEP, with the assistance of Region 1's Lead and Copper Rule expert, conducted one day training workshops in each of the state's four DEP Regions on December 8, 11, 13, and 21. Approximately 120 water suppliers were trained.

- In preparation for the workshops, Region 1 conducted a “train the trainer” workshop on November 14 for Mass DEP staff.
- Workshop topics included new LCR protocols, testing in schools, consumer notification requirements, corrosion control treatment, and setting water quality parameters.

Region 1 Conducts Community Stormwater Webinar

- On Dec. 14 Region 1 provided technical assistance to 181 participants through the Soak Up the Rain New England Webinar: Engaging Urban Residents: Innovative Approaches to Promoting Community-Based Stormwater Management. Participants were from government agencies, NGO’s (mostly watershed associations), and academic institutions.

Region 2

Hot Issues:

Hurricane Irma/Maria: Close to half of the residents in Puerto Rico and the U.S. Virgin Islands remain without electric power, and this remains a major obstacle to improvements in other areas, including proper management of wastewater and providing drinking water to residents. Use of generators is widespread, but there are frequent failures because the units are not suited to such extended operation. Nevertheless, EPA is making good progress on our mission assignments. To date we have collected over 83,000 household hazardous waste and orphan containers, e-waste items and white goods (for extraction of refrigerant); and we are managing large quantities of medical waste in the USVI. The US Coast Guard has also started removing sunken and stranded vessels, and EPA is managing the oil and hazardous materials from those boats. EPA remains on standby to provide air monitoring in the event that either PR or the USVI authorize the Army Corps of Engineers to carry out air curtain incineration of vegetative debris. In the USVI the question of whether or not to do such burning has become a matter of considerable public controversy. The Corps has advised the USVI government that it will very soon run out of space to stockpile debris – particularly the very large amount of vegetative debris – and will need to terminate collection operations if no decision on how to manage the material is made. There is a lawsuit pending to prohibit the air curtain incineration (ACI) of vegetative debris in the USVI. All ACI operations have been stopped until the legal actions are resolved. In PR, the local government is also wary of ACI operations, anticipating strong negative public reaction to such a plan. Regional Administrator Pete Lopez and regional senior staff met on Dec. 20 with Tania Vasquez, head of Puerto Rico's Environmental Quality Board; this issue was among the main topics of discussion.

Dewey Loeffel: On Dec 12, Rensselaer County passed a law limiting the discharge of 1,4-dioxane to 0.35 parts per billion (ppb) from properties that are owned by the County that are also designated as a Superfund site. The only site that meets these criteria is the Dewey Loeffel site. The most recent treated effluent result available for 1,4-dioxane (collected on Nov. 29, 2017) was 0.36 ppb. The data were posted on the Dewey Loeffel webpage on Thursday, Dec 14 and no inquiries were received. The treated effluent results for Dec. 6 are expected by Dec 20 and will be posted on the webpage later this week.

Pace Environmental Litigation Clinic -- Litigation Update: On December 15, 2017 the court granted EPA an extension to answer/otherwise respond to the complaint, while the court considers EPA's motion to stay this litigation. EPA now has to answer or otherwise respond to the complaint on or before January 17, 2018.

Past Week:

Delaware River Basin Commission Proposed Hydrofracking Rules: On December 18, Region 2 participated on a conference call with Headquarters offices and Region 3 to coordinate EPA's response to the proposed DRBC hydrofracking rules. We agreed that by January 31, 2018 the group would provide comments on the various DRBC documents. The legal review will be completed by the Office of General Counsel (OGC); the technical review will be led by the Office of Water (OW); and the scientific review will be led by the Office of Research and Development (ORD). Regions 2 and 3 will have the opportunity to review the comments submitted by OGC, OW and ORD and can opt to conduct a separate legal review. In addition, Regions 2 and 3 will determine how the proposed regulations would intersect with regional programs, including water quality standards.

EPA assists in navigating air requirements for proposed natural gas pipeline: EPA hosted a meeting on December 12 to coordinate the federal and state general conformity review for the proposed Northeast Supply Expansion natural gas pipeline project. The meeting focused on ensuring that Transco, the private company constructing the pipeline, and the agencies at the federal and state levels, are clear on the next steps for the general conformity analysis. We identified some data gaps and challenges associated with process and schedule. Some details remain to be worked out, including (b)(5) - DPP

(b)(5) - DPP

(b)(5) - DPP Transco intends to fund clean air projects at the Port of New York and New Jersey in order to offset project emissions.

Court Enters Consent Decree Resolving RCRA, CAA, and CWA Violations by Homeca

Recycling Center Co. On 12/18/17, the U.S. District Court for the District of Puerto Rico entered EPA's Consent Decree (CD) with Homeca. The CD resolves our claims against Homeca for alleged violations of RCRA, CWA, and CAA rules at three different facilities located in Caguas, Ponce Playa and Hormigueros, PR. EPA has direct implementation responsibility for these rules in Puerto Rico. The alleged violations resulted from past releases of fluids from crushing cars at the facilities, the release of ozone-depleting substances into the air, and the runoff of contaminated storm water from the facilities to the Rio Grande de Loiza and the Caribbean Sea. The settlement requires Homeca to pay a \$50,000 civil penalty in two installments, and to implement various practices as injunctive relief to help the facilities maintain compliance with the applicable regulations.

Upcoming:

Consent Agreement and Final Order (CA/FO) against the Town of North Hempstead: Region 2 will issue a CA/FO to the Town of North Hempstead, Nassau County, for violating the Resource Conservation and Recovery Act (RCRA) Subtitle I, Underground Storage Tanks (USTs) Regulations. The violations include: failure to permanently close a temporarily closed UST after 12 months; failure to monitor tanks for releases every 30 days; and failure to conduct line tightness tests every 3 years. The Town agreed to pay a penalty of \$49,500 and to perform two Supplemental Environmental Projects (SEPs) valued at \$90,000. The SEPs are: 1) Continuous monitoring release detection for all tanks it owns and/or operates (\$50,000); and 2) an infiltration basin system which will divert storm water runoff and thus keep pollution from entering the waterways (\$40,000). The continuous monitoring release detection system will also help the Town maintain and monitor its tanks to prevent leaks and loss of product. Although the NYS Department of Environmental Conservation (NYSDEC) does not have State Program Approval for USTs, under its own state authority it has delegated its UST authority to five counties including Nassau County. Region 2 worked with NYSDEC and Nassau County to bring the Town of North Hempstead into compliance with RCRA Subtitle I.

Region 3

Hot Issues

DOJ/EPA Region III File Consent Decree with ArcelorMittal Monessen, PADEP, and PennEnvironment to Resolve Alleged CAA Violations

On December 20, 2017, DOJ, on behalf of Region III, lodged a Consent Decree to implement a settlement with ArcelorMittal Monessen LLC (AMM) to correct alleged CAA violations at its coke plant in Monessen, PA, a facility that produces coke (purified coal) for eventual use in steel mills. The settlement also resolves claims against AMM made by the Pennsylvania Department of Environmental Protection and PennEnvironment, an environmental group representing neighbors of the plant. The settlement is expected to reduce harmful emissions from the company's coke plant by a total of more than 125 tons per year (tpy) of sulfur dioxide and 50 tpy of particulate matter. Among the requirements of the Consent Decree, the company must install additional monitoring equipment, implement various work plans to improve work practices, conduct studies of existing plant equipment and operations, and perform a demonstration project to control emissions during planned maintenance outages at the facility's desulfurization plant. ArcelorMittal will spend approximately \$2 million on air pollution controls/improved work practices at the plant and also pay a civil penalty of \$1.5 million, which will be split between the federal and state agencies. At the same time, DOJ filed a Complaint in Intervention in the pending citizen suit brought by PennEnvironment for similar alleged CAA violations.

Final Close Out Report (FCOR) Signed for Recticon/Allied Steel Superfund Site

On December 15, 2017, Regional Administrator Cosmo Servidio signed the Final Close Out Report (FCOR) for the Recticon/Allied Steel Superfund Site. The FCOR documents that EPA has determined that all appropriate remedial actions at Site have been completed. Operation and maintenance, institutional controls and Five-Year Reviews are no longer required and no further Superfund response is necessary to protect human health and the environment at the Site. The Site is projected for deletion from the National Priorities List by September 30, 2018.

Vapor Intrusion Investigation Conducted at Chem Fab Superfund Site, Doylestown, Pennsylvania

During the week of December 11, 2017, the Site Team and their contractor conducted a vapor intrusion (VI) investigation at ten residences in the Westwyk community of Doylestown, PA. The VI investigation was conducted because of the presence of groundwater contamination underneath the community. The investigation involved collection of both indoor air and subslab samples in the residences. Analytical results of the sampling are expected to be available in approximately two months. At that time a more extensive VI investigation will be conducted across the entire community, which could involve up to 200 homes. The Site Team has conducted VI investigations at the Site previously, although these have primarily involved testing the subslab and indoor air at the former Chem Fab facility. A vapor mitigation system was installed at the facility as a result of the previous investigations.

Drinking Water Sampling associated with the Naval Auxiliary Landing Field Fentress (Oceana Naval Air Station) Planned for February 2018, Chesapeake, Virginia

In February 2016, the Navy sampled off-base private drinking water wells for PFAS compounds at residential properties surrounding the Naval Auxiliary Landing Field (NALF) Fentress. Results indicated that drinking water obtained from wells at two properties exceeded the EPA preliminary health advisory levels for PFAS compounds. Navy installed in-home drinking water well treatment systems at the affected residences. The Navy also installed additional off-base monitoring wells to further delineate the groundwater plume migration. Two of the monitoring wells detected PFAS exceeding the EPA Lifetime Health Advisory, indicating further plume migration. The Navy is planning a second round of drinking water well sampling for residents in the vicinity of NALF Fentress in February 2018 which will include approximately 60 additional properties. A public meeting to announce the second round of drinking water well sampling will be schedule for the week of February 5, 2018.

Brownfields Area-Wide Plan Completed in Huntington, West Virginia

During this fall, Huntington completed its Brownfields Area-Wide Plan (AWP) after two years of gathering input from the community including manufacturing operations, businesses, and Marshall University. The AWP focused on three catalyst sites along the Ohio River where there was a coal shipping operation. When redeveloped, these sites will spur further revitalization throughout the city. Marshall University plans to expand its campus to one of the catalyst sites for a minor league ball field hoping to attract a team. An adjacent manufacturer is planning investing \$1 million in a second catalyst site to expand their operations and create an incubator for new manufacturing businesses. The Appalachian Regional Commission, state and county agencies have been approached and are in the process of reviewing Huntington's requests for additional funds. Huntington also received an EPA Brownfields Assessment grant that they are using to ascertain if there are any hazardous substances on these sites and what would be needed to clean them up. Altogether, Huntington is on the path to redevelopment that incorporates green infrastructure and other environmental measures.

Upcoming Public Events

No upcoming events to report for next week.

Past Events

Regional Administrator to Participate in Chesapeake Bay Program Principals' Staff Committee meeting

EPA Mid-Atlantic Regional Administrator Cosmo Servidio will represent EPA and the other federal partners as a member of the Principals' Staff Committee meeting December 19-20, 2017 in Cambridge, Md. CBP Director Nick DiPasquale and Deputy Director Jim Edward and other EPA staff will also participate in the meeting. The purpose of the meeting will be to focus on helping PSC members build an understanding and answering questions on key Midpoint Assessment and Phase III WIP issues, as well as seek collective decisions on foundational Midpoint Assessment issues including:

- 1) Adoption of the Phase 6 suite of modeling tools for finalizing the draft Phase III planning targets and for management application in the Phase III WIPs and two-year milestones through 2025
- 2) Approval of the proposed Bay's assimilative capacity
- 3) Approval of the process for the 4-month Partnership review of the draft Phase III WIP planning targets, including how special cases are addressed
- 4) Approval to base Phase III WIP development on 2025 current zoning conditions
- 5) Approval of the draft Phase III WIP planning targets as a starting point of the 4-month Partnership review period
- 6) Develop a Partnership implementation plan to address Conowingo infill by 2025
- 7) Adopt a dual approach to factor climate change into the Phase III WIPs

Region 4

Hot Issues

Rockwell International/Grenada Manufacturing, LLC (Grenada, MS)

Key Message: During the week of December 25, 2017, Region 4 anticipates (b)(5) - DPP

(b)(5) - DPP

Highlights from Last Week

None

Upcoming Travel for the RA

None

Region 5**HOT ISSUES:****EPA Coordinating with Michigan on Wolverine Enforcement Approach**

Key Message: On December 21, 2017, EPA and the state of Michigan presented to Wolverine World Wide, Inc. (WWW) a proposed approach to investigation, sampling, analysis, and provision of alternate water at the Wolverine sites.

The coordinated approach includes the negotiation of two separate orders with EPA and Michigan by mid-January 2018: a) an administrative order on consent between WWW and Michigan under state Part 201 and Part 31 authorities that addresses PFAS and provision of alternate water, and b) an administrative order on consent between WWW and EPA under CERCLA Section 106 authorities for investigation, sampling, and analysis at the Tannery and House Street landfill. EPA's deadline for WWW to give an indication of interest in negotiations is close of business December 21. Region 5 plans to sample groundwater and drinking water for PFAS at several locations in Rockford, Michigan the week of December 25, 2017, including at the former Tannery, the House Street landfill, and at residences with filters installed.

Since 2012, Michigan Department of Environmental Quality has had the lead in addressing arsenic and chromium contamination at Wolverine's former Tannery under a state "other cleanup authority (OCA)" alternative. PFAS contamination at the site came to light earlier in 2017. Since then, WWW has identified numerous residential wells impacted by PFAS at concentrations above EPA's lifetime health advisory of 70 parts per trillion – presumably from waste generated by WWW's operations using Scotchgard™, which contained PFAS compounds. WWW potentially used as many as 95 disposal locations for its wastes. Since late summer 2017, WWW has been voluntarily providing alternate drinking water or installing whole-house water filters to some of the impacted residents with PFAS-contaminated drinking water, but EPA has concerns about filter efficacy and the sampling method used to analyze PFAS drinking water samples.

On October 20, 2017, citizens living near the WWW facilities submitted a revised citizen suit notice under RCRA Section 7002(a)(1)(B) (imminent hazard). EPA issued a follow-up CERCLA Section 104(e) information request to WWW on December 1, 2017, to better understand its factory operations, waste handling and disposal operations, and the procedures that are being used to test residents' drinking water and remediate higher concentrations of PFAS. The contamination has been reported on in national and local media and has been of great concern to the local community.

Indiana Harbor Coke Company in East Chicago, Indiana Signs Consent Decree

Key Message: Indiana Harbor Coke Company (IHCC) and Cokenergy, LLC, owners and operators of the Indiana Harbor Coke Company Facility signed a federal consent decree with EPA and the Indiana Department of Environmental Management last week to resolve outstanding Clean Air Act violations.

In several notices of violation, EPA has alleged that the companies exceeded bypass venting, sulfur dioxide, particulate matter, and lead limits in their federal operating permits, failed to stop leaking coke oven doors as required by the National Emissions Standards for Coke Oven Batteries, exceeded numerous opacity limits, and many other violations. Under the settlement, the companies will spend around \$120 million in injunctive relief to reduce emissions of sulfur dioxide, particulate matter, lead, and volatile organic compounds. The companies will pay a civil penalty of \$5.0 million (\$2.5M to the state of Indiana). In addition, Cokenergy will spend \$250,000 on a lead abatement supplemental environmental project in East Chicago. There has been significant press and community interest into EPA's investigation and we expect further interest following lodging of the decree. IHCC is a subsidiary of SunCoke, Inc.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

EPA Removal at Abandoned Plating Facility in St. Paul, Minnesota Completed

Key Message: On December 21, 2017, EPA completed a time-critical removal action, reducing threats to public health and the environment, at the Plating Inc. site.

Since mobilizing in August, EPA secured over 20,000 gallons of hazardous acids and caustics; removed damaged asbestos-containing materials; and pumped approximately 9,700 gallons of waste liquids into tanker trucks for disposal off-site. EPA recovered pooled, liquid waste from under the waste treatment lines and recovered caustic liquids released into floor trenches in the building. Equipment and structural components used during processing were decontaminated and EPA worked diligently to recycle or reuse materials whenever possible. Consolidated hazardous materials that could not be recycled were transported to RCRA/CERCLA approved disposal facilities.

The Plating Inc. site is located at a former industrial facility that specialized in zinc and chromate plating of aluminum. The abandoned building where operations occurred is located in a mixed-use residential, commercial area as well as a nearby city park. Throughout the cleanup, EPA conducted air monitoring in the building and at the perimeter to ensure that residents and nearby business occupants were not exposed during the removal process. EPA partnered with Ramsey County and the city of St. Paul to utilize an emergency notification system that would alert nearby residents by land-line, text message, and email in case of an emergency at the site. The notifications included evacuation and shelter in place instructions in the event of a hazardous chemical release at the site. Additionally, EPA maintained night and weekend building security for the entirety of the removal action.

Region 6

I am also pleased to report that yesterday's meetings with Governor Hutchinson and Arkansas DEQ officials were productive and positive.

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

December 21, 2017

Lazarus Refinery II, LLC, Longview, Texas

EPA intends to (b)(5) - DPP

(b)(5) - DPP

Sid Richardson Carbon and Energy Company, Addis, Louisiana; Borger and Big Spring, Texas

EPA expects (b)(5) - DPP

(b)(5) - DPP

Columbian Chemicals Company, Franklin, Louisiana

EPA expects all parties to sign a consent decree between EPA and the Columbian Chemicals Company under EPA's Clean Air Act National Carbon Black Initiative. Columbian owns and operates two carbon black manufacturing facilities in Franklin, Louisiana, and Hickok, Kansas. This settlement is part of a national initiative that investigated all carbon black manufacturing plants in the United States. The Louisiana Department of Environmental Quality (LDEQ) and the Kansas Department of Health and Environment (KDHE) are joining this settlement.

Orion Engineered Carbons, Borger, Texas

EPA expects (b)(5) - DPP

(b)(5) - DPP

(b)(5) - DPP

Jicarilla Apache Tribal Nation, Dulce, New Mexico

EPA intends to (b)(5) - DPP

(b)(5) - DPP

(b)(5) - DPP

This water system failed to sample at the approved sampling location and will be in violation until the next sample is collected at the correct location.

LACC, LLC US, Ethylene and Derivatives Plant, Westlake, Louisiana

Louisiana granted EPA an extension until January 12, 2018 for the purposes of LDEQ working with the permittee to address EPA concerns. Construction for this new ethylene and derivatives manufacturing facility is ongoing. The preliminary draft permit proposes to (b)(5) - DPP

(b)(5) - DPP

NEPA

DOE Strategic Petroleum Reserve, Bryan Mount, Texas; Big Hill, Texas; West Hackberry, Louisiana; Bayou Choctaw, Louisiana

The Department of Energy intends to (b)(5) - DPP

(b)(5) - DPP

(b)(5) - DPP

The Reserve currently operates and maintains deep underground storage caverns created in salt domes along the Gulf Coast region at Bryan Mount Texas, Big Hill Texas, West Hackberry Louisiana and Bayou Choctaw Louisiana. Region 6 will support the DOE by meeting our basic statutory requirements for participating in the environmental review process.

UPCOMING PUBLIC EVENTS

January 9 – Louisiana Department of Environmental Quality discussion on Oil & Gas Compliance and Enforcement Efforts, Baton Rouge, Louisiana

January 10 – Region 6 State Agricultural Director Meeting, Dallas, Texas

January 17 – Texas Commission on Environmental Quality discussion on Oil & Gas Compliance and Enforcement Efforts, Austin, Texas

January 23 – National Oil and Gas Roundtable, Denver, Colorado

January 24 – National Air Quality Conference, Austin, Texas

January 30 – Region 6 Five State Drinking Water Meeting, Dallas, Texas

April 11 – Regional Tribal Operations Committee Meeting, Dallas, Texas

UPCOMING DECISIONS

Bird Creek, Osage County, Oklahoma

EPA intends to (b)(5) - DPP

(b)(5) - DPP

Citizen Potawatomi Nation of Oklahoma

EPA expects to (b)(5) - DPP

(b)(5) - DPP

(b)(5) - DPP Tribes in Oklahoma are required by Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (“SAFETEA”) §10211(b) to enter into a cooperative agreement with the state of Oklahoma.

Oklahoma Corporation Commission End-of-Year Report

EPA intends to (b)(5) - DPP

(b)(5) - DPP

PAST WEEK ACCOMPLISHMENTS

Arkansas Memorandum of Understanding

EPA signed a Memorandum of Understanding (“MOU”) to outline a mutually agreed timeline with Arkansas for submittal and review of Arkansas Regional Haze SIP revisions.

Louisiana Regional Haze

EPA took final action on all outstanding requirements for the Louisiana Regional Haze Program which was under Consent Decree deadline of December 15, 2017.

TCEQ Exceptional Events Demonstration, El Paso, Texas

EPA approved the El Paso Exceptional Event demonstration presented by the Texas Commission on Environmental Quality (TCEQ).

PENDING ACTIONS (Pending Federal Register Publication)

(b)(5) - DPP

(b)(5) - DPP

Region 7**Hot Issues****Westlake Landfill (Bridgeton, MO)**

Key Message: Work continues on Westlake Landfill documents

- Major components of the Final Feasibility Study (FFS) are anticipated to arrive late this week from the Potentially Responsible Parties (PRPs). The submittals will include schedule and cost information for the risk based industrial use partial excavation alternative and the full excavation with on-site disposal in an engineered cell alternative and other supporting documentation.
- Calls were made to key stakeholders this week to inform them that EPA is additionally considering the full excavation with on-site disposal option to ensure that the FFS includes a broad suite of remedial alternatives to make the most protective remedy selection. Community stakeholders were encouraged to provide feedback to the National Remedy Review Board (NRRB) in advance of the Board discussion scheduled January 9. The Region is also preparing the initial set of briefing documents to be submitted to the NRRB this Friday which includes a response to comments the Board provided subsequent to the panel review in 2012.
- Next week, the Region will be focused on reviewing the FFS submittals from the PRPs including any new documentation that arrives next week.

Des Moines TCE Superfund Site (Dico Inc.)

Key Message: EPA and DOJ request to meet with Dico.

- On 11/22/17, EPA sent a response letter to the Potentially Responsible Party of the Des Moines TCE Superfund Site (Dico Inc.) agreeing to delay the finalization of the Action Memo for building demolition on the site for four months with qualifiers. On 12/12/17, EPA received a response from Dico to EPA's 11/22 letter in which Dico expressed a desire to discuss a sampling proposed in EPA's 11/22 letter and to enter into global settlement negotiations with the United States. In response, EPA and DOJ have expressed a desire to meet with Dico to discuss these issues in the near future. It is anticipated that meeting will be scheduled in January.

Madison County Superfund Site Redevelopment Interest (Anschutz Mine Tailing Site)

Key Message: Meeting scheduled for January 11, 2018 to discuss options.

- EPA is continuing to coordinate with MDNR and Environmental Operations Inc (EOI) who is interested in purchasing a portion of the Madison County Mines NPL Superfund Site for cobalt production. EPA is currently (b)(5) - DPP
- Options under consideration are (b)(5) - DPP

(b)(5) - DPP

Region 8

-No report submitted-

Region 9**URGENT/IMPORTANT ITEMS**

CA WILDFIRES: today I convened a discussion with FEMA and the Army Corps of Engineers to inform EPA's expanded role in asbestos assessment and removal for the four No. California counties. We expect to complete assessing all parcels in Lake, Mendocino and Napa counties by this weekend, and all resulting removals by mid-January. This leaves a large assessment and removal workload for us in Sonoma County. We're working to take on the Corps' inventory, and are reaching out to County officials re the universe of properties where the Corps did not obtain right-of-entry. We have bilingual information available to the public and plan further communications next week. In So. California, we are supporting the State's response with three OSCs based in Ventura.

NAVAJO NATION: President Begaye has written to the Administrator seeking prompt approval of TAS for two pending matters – the addition of 12-13 drinking water systems to their existing drinking water program primacy, and their pending application for water-quality standards authority (CWA 303/401 TAS). We stand ready to (b)(5) - DPP

(b)(5) - DPP Regarding the water-quality standards request, we're soliciting public comment and reaching out to local and state government officials. (b)(5) - DPP

(b)(5) - DPP Lastly, re the WIIN Act-funded water quality monitoring program, we expect (b)(5) - DPP

(b)(5) - DPP Of the tasks collectively identified at the October meeting with states and tribes, AZ DEQ has opted not to apply for any of these funds.

DRINKING WATER: our in-depth review of our states' lead-and-copper rule implementation has revealed (b)(5) - DPP

(b)(5) - DPP

EXTERNAL ENGAGEMENT

BROWNFIELDS: over 70 people attended our two brownfields community events in Fresno to focus on revitalizing an underserved neighborhood. The City, Habitat for Humanity, EPA and other partners also hosted training for community leaders, and a special Saturday session for local youth to present their photos of the area and envision the possibilities for renewal.

PAST WEEK'S HIGHLIGHTS

CAA SIP ACTIONS: I proposed (b)(5) - DPP

(b)(5) - DPP

(b)(5) - DPP

I also proposed (b)(5) - DPP

(b)(5) - DPP

FINANCIAL MANAGEMENT: we welcome Reg. 8's Comptroller Ben Bielenberg for a one-month detail as Reg. 9's acting Comptroller. Ben has a welcome depth of experience as Comptroller, Regional Budget Officer and Regional Planner in recent years. In February, we'll be assisted by Reg. 8's Budget Officer Joe Poetter for a one-month detail. He'll be followed by OCFO's Sherri Anthony for the month of March. We are deeply grateful to Reg. 8 and OCFO for their support as we seek to build a strong financial management capability.

Region 10

Hot Issues

Pebble Limited Partnership Will Submit Permit Application December 22 (AK): The Pebble Limited Partnership issued a news release indicating its plans to submit federal Clean Water Act permit application for the Proposed Pebble Mine on December 22. This application will trigger the environmental review process. This week the company also announced a new major Canadian investor. <https://www.alaskapublic.org/2017/12/21/pebble-announces-federal-permit-application/>

Alaska's List of Impaired Water Bodies Out for Public Comment: On December 15, the Alaska Department of Environmental Conservation released its 2014/2016 Integrated Report for public comment. The comment period is open until January 29, 2018. Most notable are the proposed Category 5 impairment listings for the Kenai and the Little Susitna Rivers for turbidity, and a proposed Category 4b listing for the Little Susitna for petroleum hydrocarbons. The Little Susitna has not previously been listed as impaired. These listings have the potential to be controversial, because the suspected causes of the turbidity impairments are fishing guide boats, which provide a significant revenue source for the state. EPA and ADEC have both been contacted by stakeholders, and anticipate we may be again. Region 10 has already contacted by the media regarding the release of the report (<http://peninsulaclarion.com/news/local/2017-12-18/state-feds-determine-next-steps-after-turbidity-report>).

Upcoming Public Events

Public Hearing on Underground Injection Control Class II Well Transfer to EPA (ID): On January 8th, EPA will host a public hearing in Boise, Idaho as requested, to provide information on the UIC Class II program transfer that was announced in the Federal Register in November. This is a voluntary transfer requested by the state of Idaho. Public comments will be accepted at the hearing, and also on Regulations.Gov until the 45-day comment period closes on January 11, 2018. A fact sheet has been developed to provide context and answer FAQs from the public.

Region 10 News Release: EPA provides \$650K for diesel reductions from Seattle-area vessels: On January 8, Region 10 will issue a news release announcing that EPA is providing the Puget Sound Clean Air Agency with a \$650,000 grant to reduce harmful diesel emissions from engines on up to eight vessels operating in the Puget Sound region. The PSCAA project will provide vessel owners with incentives to scrap and replace up to 19 old "Tier 0" engines with newer, more-efficient, and lower-emission "Tier 3" engines on six to eight harbor vessels operating in Puget Sound, Lake Union, and Lake Washington. Combined with the mandatory match of \$891,000, the total project cost is \$1,541,000. The PSCAA's Puget Sound Harbor Vessel Engine Replacement Program provides long-lasting emission reductions and public health benefits to a region whose air quality is significantly impacted by the large heavy diesel vessel fleet.

Region 10 to Speak on Federalism Panel at Idaho State Bar Meeting: On January 12th, the Idaho State Bar Association is hosting a conference entitled, "Exploring State and Federal Conflicts and Cooperation." Region 10's Idaho Operations Office Director will represent EPA on a panel at the conference which will focus on: "Working Together Under Federal Pollution Prevention Laws: State

and Federal Perspectives.” The other speakers on the panel are IDEQ Director John Tippetts and Deputy AG Lisa Carlson.

Upcoming Major Decisions

None to report this week

Last Week Highlights

EPA and Oregon DEQ Move Portland Harbor Superfund Cleanup Forward: On December 19, Region 10 issued a news release announcing significant progress on the Portland Harbor Superfund Cleanup including important agreements with responsible parties for site-wide baseline sampling that will guide future cleanup and for early action hot spot cleanups. We received excellent press coverage of the announcement. News release here: <https://www.epa.gov/newsreleases/epa-and-oregon-deq-move-portland-harbor-superfund-cleanup-forward>

Portland and Oregon Health Authority Sign Compliance Agreement for Treatment and Monitoring of Cryptosporidium in Drinking Water: On December 18 the Oregon Health Authority and the Portland Water Bureau signed a Bilateral Compliance Agreement which establishes a 10-year compliance schedule to construct a filtration treatment plant for cryptosporidium. Treatment is required to comply with EPA’s Long Term Treatment drinking water rule. PWB will continue to implement interim measures for watershed protection and meet the Public Notice requirements in the LT2 regulations. PWB will also maintain response protocols with OHA, EPA and local health officials to evaluate any cryptosporidium detections to ensure protection of public health while the filtration plant is being constructed. The most recent detections for cryptosporidium occurred on December 17th and 18th.

Gasoline Tanker Spill in Santiam River, Oregon: On December 15th, a road tanker truck carrying 11,500 gallons of gasoline rolled over, caught fire, and spill gasoline into the Santiam River. Gasoline odors were detected at least six miles downstream at the nearest town of Detroit, Oregon. Many local and state responders immediately deployed to the accident location. Downstream drinking water users were immediately notified to shut down their surface water intakes until the river water could be deemed safe for consumption. EPA Region 10 immediately deployed an On-Scene Coordinator and rapidly notified the natural resource trustees and three impacted tribes of the incident. Once the EPA OSC arrived on-scene and formed Unified Command with the responding agencies, priorities were developed to prevent further contamination of the river, clean-up contaminated soil from the roadway, assess and reopen the surface water intakes for the downstream drinking water sources, and get the highway reopened. Multiple rounds of water quality samples were collected from the five drinking water intakes as well as ambient air conditions was assessed both up and downstream of the accident location. Preliminary results all indicate that the air and water were safe for the public.

Office of Administration and Resources Management

Hot Issues

OSC certification

OARM is providing verification to the Office of Special Counsel of the agency's compliance with 5 U.S.C. 2302(c). The certification program allows federal agencies to confirm they've met the statutory obligation to inform their workforces about the rights and remedies available to them under the prohibited personnel practice and whistleblower retaliation protection provisions found therein.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

Cybersecurity Coding

Cybersecurity coding for all EPA positions in the Department of Interior's Interior Business Center Federal Personnel and Payroll System was completed last week more than 4-months ahead of OPM's deadline of April 2018.

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **OAR actions under review at OMB:**
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
 - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
 - Notice of Proposed Withdrawal of the Control Techniques Guidelines for the Oil and Natural Gas Industry
- **State Implementation Plan (SIP)-Related Information:** We will resume reporting of SIP information in the January 4, 2018, report

Upcoming Meetings, Public Events, or Other Public Releases

- **Light Duty Vehicle Fuel Economy Trends Report and Greenhouse Gas Performance Report:** EPA is close to releasing the annual Trends and GHG Performance reports.

Recap of Past Week

- **Actions signed/announced recently:**
 - Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units - Advance Notice of Proposed Rulemaking
 - Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant - Withdrawal of a direct final rule and a new final rulemaking
 - Approval of Louisiana's Request to Relax the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes in Louisiana
 - Approval of Tennessee's Request to Relax the Federal RVP Gasoline Volatility Standard for Shelby County (Memphis)
 - Notice of Final Action Denying Petition for Rulemaking: Denial of Petition to List Concentrated Animal Feeding Operations Under Clean Air Act Section 111
 - Renewable Fuel Standard (RFS) Program: Grain Sorghum Oil Pathway - Proposed rule
 - 2010 Sulfur Dioxide Standard Round 3 Designations: EPA designated all remaining areas of the country that did not elect to install new SO₂ air quality monitors.
 - 2015 Ozone Standard Designations: Later today Regional Administrators will issue 120-day letters to Governors outlining EPA's intended designations.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations				
	Determination Type	Pending on 12/19/2017	Determinations Completed ¹ as 12/19/2017	Determinations Posted on the Website as of 12/19/2017
1	# of "not likely" determinations	1	108 ⁴	107 ⁴
2	# of §5(e) Orders signed by both EPA and the submitter	-	301	297
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	65	-	-
4	# of non-Order SNURs/"not likely" determinations	0	0	0
5	# of cases in post-FOCUS final determination development ⁵	314 ^{3, 5}	-	-
6	# of cases flagged for in-depth review	57	-	-
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	14	-	-
8	# of LVE/LOREX exemption grants	-	499	503
9	# of LVE/LOREX exemption denials	-	101	101
10	Total number of cases	451	1009	-
11	Normal active workload for the New Chemicals Program	300	-	-
12	Number of cases undergoing testing or data development by submitter	74 ³	-	-
13	Backlog²	77	-	-

¹"Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

² (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

³ Of these cases, approximately 73 are “active” lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

⁴ “Not Likely” determinations are not posted until the final signed determination document is prepared and has been shared with submitter.

⁵ These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter or signature; Row 4 when the SNUR is published; and Row 1 when the determination document is sent to the OPPT OD for signature.

HOT ISSUES

Neonicotinoid Ecological and Human Health Risk and Benefits Assessments for Public Comment

– On December 15, OPP issued an OPP Update (listserv) to announce the release of the preliminary ecological and human health risk assessments for the neonicotinoid insecticides clothianidin, thiamethoxam, and dinotefuran, and a preliminary ecological risk assessment for imidacloprid, assessing risks to birds, mammals, non-target insects, and plants. OPP also released its response to public comments on the 2014 Benefits of Neonicotinoid Seed Treatment to Soybean Production as well as new cotton and citrus benefits assessments for foliar applications of neonicotinoids. These assessments complement the preliminary pollinator-only risk assessments the Agency published for comment in 2016 and 2017. Preliminary human health and ecological assessments (for aquatic species only) were also released for imidacloprid in 2017. OPP is especially interested in public comment on the benefits assessments for cotton and for citrus, since previous assessments identified potential risks to pollinators from these uses. We believe early input from the public will be helpful in developing possible mitigation options that may be needed to address risks to bees. Among the benefits identified, the neonicotinoids were found to be critical for management of Asian citrus psyllid, which causes citrus greening—a devastating pest for citrus growers—and for control of plant bugs and stink bugs in cotton. OPP has responded to several press inquiries in a timely manner.

Glyphosate – On December 18, OPP issued an OPP Update (listserv) to announce the release of the draft human health and ecological risk assessments for glyphosate on the Web and later on www.regulations.gov (docket EPA-HQ-OPP-2009-0361). In early 2018, OPP will open a 60-day public comment period. The ecological risk assessment includes an evaluation of the potential for effects on non-target organisms from exposure to glyphosate, incorporating available exposure and effects data, and most current risk assessment methods. EPA’s analysis indicates that there is a potential for effects on birds, mammals, and terrestrial and aquatic plants. The human health risk assessment includes an evaluation of dietary, residential/non-occupational, aggregate, and occupational exposures. No risks of concern were identified. Additionally, an in-depth review of the glyphosate cancer database was performed. The data, including epidemiological, animal carcinogenicity, and genotoxicity studies, led EPA to conclude that glyphosate is not likely to be carcinogenic to humans. OPP has responded to several press inquiries in a timely manner.

Initiated Rulemaking to Revise Certain Aspects of the Agricultural Worker Protection Standard and the Certification and Training Rule – On December 14, OPP issued an OPP Update (listserv) to announce the initiation of the process to revise certain requirements in the Agricultural Worker

Protection Standard (WPS) and the Certification and Training (C&T) Rule. By the end of FY 2018, EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the WPS requirements for minimum ages, designated representatives, and application exclusion zones. The compliance dates in the revised WPS published on November 2, 2015, remain in effect; the Agency does not intend (b)(5) - DPP

Also, EPA initiated a process to revise the minimum age requirements in the C&T rule. EPA expects to (b)(5) - DPP (b)(5) - DPP The implementation dates in the January 4, 2017, final rule, (1) for certifying authorities to submit revised certification plans and (2) for EPA to act on those plans remain in effect; EPA has no plans to (b)(5) - DPP OPP has responded to several press inquiries in a timely manner.

Adopting 2017 North American Industry Classification System (NAICS) Codes to the Toxics Release Inventory. On Tuesday, December 26, OCSPP will announce a final rule which updates the North American Industry Classification System (NAICS) codes that are used to classify facilities subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Facilities meeting Toxics Release Inventory (TRI) reporting requirements will be required to use 2017 NAICS codes on TRI reporting forms, beginning with reporting forms that are due on July 1, 2018 (covering releases and other waste management activities at facilities for the 2017 calendar year). This final rule does not add any new reporting requirements or burden.

PUBLIC EVENTS AND MEETINGS

January 9, 2018, Worker Protection Standard Presentation – An OPP staff representative will participate in a session on the Worker Protection Standard (WPS) with the Fruit and Vegetable Growers Association of Delaware in Harrington, DE during Delaware Ag-Week. This presentation, as well as another planned presentation in February, is the result of a controversial set of inspections/enforcement actions on WPS that were taken by EPA Region 3 with growers in Delaware. As part of the negotiated settlement discussions, the need for additional education was raised.

January 10, 2018, American Beekeeping Federation - Rick Keigwin, Director of the Office of Pesticide Programs, will be attending the annual meeting of the American Beekeeping Federation in Reno, Nevada, where he will be providing an update on EPA's pollinator protection efforts. He will also meet with individual beekeepers to listen to their concerns and to learn about new technologies they have been developing to control varroa mites.

January 12, 2018, Southeast Regional Fruit and Vegetable Conference - Rick Keigwin will be attending the Southeast Regional Fruit and Vegetable Conference in Savannah, Georgia, where he will be providing the grower community with updates on the implementation of the agricultural worker protection standard and the certification of pesticide applicators rule, as well as responding to questions regarding the new requirements for the use of dicamba in 2018 and other pesticide issues of importance to growers in the Southeast. He will also be meeting with staff from the University of Georgia Cooperative Extension and the Georgia Department of Agriculture to discuss opportunities for increased collaboration and cooperation.

Office of the Chief Financial Officer

Hot Issues

- The House of Representatives and Senate are expected to pass a short term continuing resolution funding the government through January 19.
- The House of Representatives passed an \$81 billion Supplemental for disaster relief for Hurricane Harvey, Irma and Maria. The bill includes \$6.2 million for the Superfund account and \$7 million for the LUST account.

Upcoming Public Events

- N/A

Upcoming Major Decisions

- Finalizing the final draft *FY 2018-2022 EPA Strategic Plan* for submission to OMB by December 22. The final draft Plan reflects COO decisions on language and targets for strategic measures and FY 2018-2019 Agency Priority Goals and results of OCFO policy review.
- Agency review of draft *FY 2017 Annual Performance Report* and two-page performance highlights concludes December 22. The APR presents results against budget measure targets in the *FY 2017 Annual Performance Plan and Congressional Justification* and will be part of the *FY 2019 CJ*.
- A memo to announce 2017 Enterprise Risks and to gain senior leadership support in developing priority area action plans to address the risks will be sent to senior leaders this week.
- A memo to announce the launch of the new Performance System will be sent to senior leaders this week.

Last Week Highlights

- N/A

Other

- Working with programs on draft FY 2018-2019 budget performance measures/targets due to OCFO on December 22.
- Working with NPMs to develop FY 2019 President's Budget submission materials and to coordinate briefings with OMB staff. Budget Justification Narratives are due to OCFO January 4.

Office of Congressional and Intergovernmental Relations

- *Upcoming Hot Issues and Important Deadlines*

- *Upcoming Events*

- **TBD Week of January 1** – SEPW request for briefing on EPA PFAS activities
- **January 23-24** – EPA is partnering with the Environmental Council of States (ECOS) and the Interstate Oil and Gas Compact Commission (IOGCC), to host an oil and natural gas roundtable at the Denver Regional Office on Tuesday, January 23 and Wednesday, January 24. Roundtable participants will include senior agency officials, state environmental commissioners, state oil & gas commissioners, as well as industry and NGO representatives. Invitations to the roundtable are being sent out Friday, December 22, 2017.
- **January 24- 26** – US conference of Mayors will host its 86th annual Winter Meeting in Washington, DC
- **January 30 (tentative)** - Superfund Oversight hearing before the House Energy and Commerce Committee, Subcommittee on Environment (Witnesses: Kell Kelly, Barry Breen)

- *Past week accomplishments*

- **December 18** – Notification of draft risk assessments for glyphosate w/OCSPP
- **December 19** – Notification of the proposal to find that grain sorghum oil qualifies for advanced biofuel and biomass-based diesel designation under the Renewable Fuel Standard (RFS) program.
- **December 20** – Sen. Boozman (AR) and water associations meeting on draft WIFIA WIN Act w/OW
- **December 20** – Notification of final rule re CSO notification requirements in Great Lakes basin
- **December 21** – Notification of round three final area designations for SO2 under the 2010 National Ambient Air Quality Standards (NAAQS).
- **December 21** - OCIR staff spoke with Sen Schumer's office about locomotive emission credits.
- **December 21** – Senate Ag staff TA on draft FIFRA/ESA bill w/OCSPP, OGC)
- **December 22** – Cong. Latta (OH) staff briefing on antimicrobial copper w/OCSPP
- **December 22** – Planned notification of 120-day letters to governors in over 30 states and territories and tribal leaders in nearly a dozen tribes, indicating our suggested designation for areas under their jurisdiction for the 2015 ozone NAAQS

- *Ongoing activities*

- **FY18 Appropriations:** A short-term continuing resolution extending the government's funding until January 19, 2018 was passed by Congress.

Office of Enforcement and Compliance Assurance

Hot Issues

Volkswagen Civil Case:

- OECA anticipates that (b)(5) - DPP

(b)(5) - DPP

- EPA and CARB issued an approval to VW for an emissions modification for the larger 3.0 liter passenger cars covering model years 2014-2016 Audi A6 Quattro, A7 Quattro, A8, A8L and Q5 diesel vehicles. Once the emissions modification is applied, the vehicles will be brought into compliance with their certified emission standards (therefore no buyback option will be available to consumers under the terms of the coordinated 3.0 Liter settlements among EPA, CARB, FTC and the consumer class action). EPA and CARB will continue work to review the remaining emissions modifications for the Generation 1.1 and 1.2 3.0 Liter vehicles.

Upcoming Events/Public Meetings

On December 21st, Susan Bodine and Patrick Traylor will meet with the leadership of ECOS to discuss compliance and enforcement priorities.

Upcoming Major Decisions

None.

Last Week's Highlights

Meeting with USDA on Superfund Task Force: On December 19th, OECA's Federal Facilities Enforcement Office met with the USDA to discuss the Superfund Task Force. These discussions occurred as part of a quarterly meeting with the USDA organized by OLEM's Federal Facilities office. USDA was particularly interested in Recommendation 30, which addresses revising Agency policies and agreements to incentivize redevelopment. We are scheduling a follow up meeting with USDA to further explore their perspectives on Recommendation 30.

Clean Air Act Civil Settlement: On December 18th, the Southern District of Texas entered a Stipulation of Settlement resolving an action against Morgan Stanley Capital Group Inc. (MSCG) for violations of the Clean Air Act (CAA). The company agreed to pay a civil penalty of \$1,119,000 to resolve violations stemming from the production of gasoline that did not meet fuel standards. MSCG produced approximately 97.3 million gallons of gasoline by blending previously certified gasoline (PCG)

with blendstocks at the Kinder Morgan terminal in Pasadena, Texas in 2013 and 2014. The fuel MSCG produced did not meet the CAA reformulated gasoline volatile organic compound (VOC) emissions performance reduction standards that apply to gasoline produced by adding blendstocks to PCG. MSCG self-disclosed these violations to the EPA under the EPA's Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations.

RCRA Criminal Sentencing: On December 14th, Boasso America was sentenced in the Southern District of Georgia for the illegal transportation and dumping of hazardous waste in violation of RCRA. Boasso will pay \$50,000 in restitution to the Georgia Department of Natural Resources, a criminal fine penalty of \$500,000, and has agreed to establish, implement, and enforce an effective environmental compliance plan.

In February 2015, approximately 90 drums and containers were dumped onto CSX railroad property and other locations around Savannah, Georgia including at a residence. Labels on some of the drums and containers indicated the waste was generated from Boasso America Corporation, a depot and transportation services company, providing local and long-haul trucking, tank cleaning and terminal services. Some of the drums contained naphthalene, a known hazardous waste. Management of Boasso had requested that employees quickly remove and dispose of the drums in anticipation of an inspection.

This case was investigated jointly by EPA's Criminal Investigations Division and the Federal Bureau of Investigation, the U.S. Coast Guard Investigative Service, the U.S. Customs and Border Protection, the Georgia Department of Natural Resources, the Savannah Fire Department's Haz-Mat team, the Savannah Chatham Metro Police Department, the Pooler Police Department, and the Effingham County Sheriff's Office.

Biodiesel and Tax Credit Scam Criminal Sentencing: On December 20th, former Gen-X Chief Operating Officer and Vice President Donald Holmes was sentenced in the Eastern District of Washington to 78 months of incarceration, supervised release of 36 months, and restitution in the amount of \$15,693,341.67. On December 16, 2015, Holmes pled guilty to Conspiracy to Commit Wire Fraud and Conspiracy to Defraud the Government – False Claims for Tax Credits.

This investigation involves a multi-state scheme to defraud biodiesel buyers and U.S. taxpayers by fraudulently selling biodiesel credits and claiming alternative fuel tax credits. From March 2013 to March 2014, the co-conspirators generated at least 60 million fraudulent RINs that were based on fuel that was either never produced or was merely reprocessed at the Gen-X or SRC facilities. They received at least \$42 million from the sale of these fraudulent RINs to third parties. In addition, Gen-X received approximately \$4,360,700 in false tax credits for this fuel. CEO and Gen-X founder Scott Johnson and COO Donald Holmes each pleaded guilty to conspiracy to commit wire fraud and conspiracy to defraud the government by making fraudulent claims for tax credits (18 U.S.C. §§ 286, 1349).

This case was investigated by EPA's Criminal Investigation Division, the U.S. Secret Service, and the IRS Criminal Investigations

Office of Environmental Information

-No report submitted-

Office of General Counsel

New Judicial Decisions

- The 9th Circuit denied without prejudice EPA's motion to dismiss LULAC's petition. EPA argued that the court lacked subject-matter jurisdiction because the petitioners had failed to exhaust their administrative remedies in challenging EPA's March 29, 2017, denial of the PANNA/NRDC petition to revoke chlorpyrifos tolerances. EPA argued that under the FFDCA, judicial review of a petition denial is only available following EPA's response to the administrative objections to EPA's petition denial. The court did not evaluate the substance of EPA's argument and made clear that it would permit EPA to repeat its jurisdictional arguments in its merits brief. Briefing on the merits should be completed by April 2018. (*LULAC v. Pruitt*, No. 17-71636 (9th Cir.))
- In a favorable decision in *Master v. Obama*. On 12/15/17, the District Court granted EPA's motion to dismiss due to lack of standing. Plaintiff alleged that EPA, NASA, NOAA, President Obama, and Sen. Franken made false representations that humans have caused rising temperatures, which harmed the country and caused the plaintiff to be blacklisted from scientific journals and denied the 2012 Nobel prize. (*Master v. Obama*, No. 2:17-cv-05532 (C.D. Ca.))

New Complaints Filed

- On December 15, 2017, the American Bakers Association filed a petition for review of EPA's final action entitled, "National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast Manufacturing Risk and Technology Review; Final Rule." This was the only petition for review filed. Procedural motions in the case are due January 18, 2018; dispositive motions are due February 2, 2018. The American Bakers Association also submitted a petition for reconsideration of the final rule on December 15, 2017. (*Am. Bakers Ass'n v. EPA*, No. 17-1264 (D.C. Cir.))
- A challenge to the risk and technology review for the pulp and paper NESHAP was filed with the D.C. Circuit. Environmental petitioners also filed petitions for administrative reconsideration asking the agency to reconsider its decision not to establish standards for certain unregulated hazardous air pollutants (they argue we are obligated to do this as part of a RTR) and raising an issue regarding the use of the census block centroid in risk modeling for chronic health risks. (*Crossett Concerned Citizens for Environmental Justice v. EPA*, No. 17-1257 (D.C. Cir.))
- On December 19, 2017, the South Carolina Coastal Conservation League filed a lawsuit in the U.S. District Court for the District of South Carolina against the U.S. Army Corps of Engineers Charleston District, U.S. Department of Transportation Federal Highway Administration, U.S. EPA, and South Carolina Department of Transportation relating to the construction of Interstate 73 in South Carolina. The complaint alleges that EPA failed to exercise its mandatory duty over the Army Corps imposed by section 404 of the CWA. The complaint also alleges that EPA acted contrary to law when it failed to follow the 404(q) memo and failed to object to the

Corps' issuance of a 404 permit that violates the 404(b)(1) Guidelines. (*South Carolina Coastal Conservation League v. U.S. Army Corps of Engineers*, No. 2:17-cv-03412 (D.S.C.))

- A petition for review was filed by AFPM challenging the 2018 Renewable Fuel Standards. Each year, EPA is required to set standards for four different types of renewable fuels to be blended into gasoline and diesel transportation fuel. The annual rule for 2018 (and 2019 biomass-based diesel) standards was published on December 12, and it appears AFPM filed a petition that day. (*American Fuel & Petrochemical Manufacturers v. EPA*, No. TBD (D.C. Cir.))
- The National Parks Conservation Association, Sierra Club, and the Environmental Defense Fund have filed a petition for review in the Fifth Circuit challenging EPA's recent regional haze FIP addressing the best available retrofit technology (or BART) requirements for power plants in the state. Rather than requiring the installation of source-specific controls as proposed in January 2017, EPA issued a FIP that establishes an intrastate trading program for emissions of SO₂ similar to the CSAPR program in terms of its operation and budgets. Because of limitation on time, EPA did not provide an opportunity for public comment on the intrastate trading program as a means of addressing the BART requirements; the environmental petitioners have filed a petition under 307(d)(7)(B) asking EPA to reconsider certain aspects of our FIP. (*National Parks Conservation Association v. EPA*, No. TBD (5th Cir.))

Hot Topics

- On December 18, 2017, Public Citizen filed GAO bid protests on behalf of Fenton Communication and New Heights Communications. The protests allege that the Agency improperly awarded a \$125,000 sole source contract to Definers Corporation (Definers) for news analysis services. After reviewing the facts, the Agency determined that there was merit to the protest grounds and that Definers' contract should be terminated. On December 19, 2017, the Agency terminated Definers' contract. Accordingly, EPA plans to notify GAO of the contract termination and to request that GAO dismiss the protest as moot. (*Fenton Communications v. EPA*, B-415800.1 and *New Heights Communications v. EPA*, B-415800.2)

New Petitions that OGC is Aware Of

- None that OGC is aware of.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- Kevin Minoli will be out of the office from December 20 through December 26.

Upcoming Major Deadlines in the Next Two Weeks

- 12/22 EPA's Appellee brief is due in *Hall & Assoc. v. EPA*, a FOIA matter concerning an EPA Clean Water Act determination to impose an effluent limitation for total nitrogen on certain New Hampshire publicly owned treatment works.
- 12/22 Reply in support of Cross-Motion for Summary Judgment is due in *Sierra Club, et al. v. Pruitt*, a challenge to extension of compliance date for TSCA formaldehyde rule.

- 12/22 Reply Brief is due in *Charleston Sanitary Board v. Pruitt*, a challenge to EPA's disapproval of site specific copper criteria in West Virginia.
- 12/27 Reply Brief is due in *State of Connecticut v. EPA*, where plaintiff alleges EPA failed to grant or deny section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.
- 12/27 Answer is due in *Riverkeeper v. Pruitt*, a mandatory duty challenge to EPA's inaction on NYS recreational water quality criteria submission.
- 12/27 Answer and Administrative Record are due in *Rosado v. Pruitt*, a challenge to MPRSA dredged material ocean dump site in Eastern Long Island Sound.
- 12/29 EPA's Reply brief is due in *PEER v. EPA*, a FOIA matter alleging failure to respond to a two-part request that sought, among other things, statements from the Administrator related to climate change.
- 12/31 Answer and interim production are due in *Waterkeeper Alliance, Inc., et al. v. EPA*, a FOIA litigation pertaining to a FOIA request submitted by Waterkeeper Alliance, Inc., Sierra Club, Clean Water Action, and Environmental Integrity Project on August 4, 2017, that sought records related to reconsideration of, and postponement of compliance deadlines within, the EPA's Steam Electric Effluent Limitations Guidelines ("ELGs") Rule.
- 01/02 Answer is due in *Sierra Club v. EPA*, litigation alleging EPA failed to timely publish two studies relating to the RFS program.
- 01/05 Response Brief on Remedy is due in *Ellis v. Keigwin*, a FIFRA and ESA challenge to clothianidin and thiamethoxam registrations.
- 01/05 Confidential Mediation Statements is due in *New Mexico v. EPA, et al.*, litigation that resulted from the Gold King Mine incident.
- 01/05 First production of documents is due in *California v. EPA*, a FOIA litigation concerning a 32-part FOIA request submitted by the State of California seeking a variety of records concerning Administrator Pruitt's ethics-related forms and recusals, communications with the Oklahoma state bar, communications with Oklahoma Attorney General's office, and Agency policies related to ethics and recusals.
- 01/05 Joint Status Report and Briefing Schedule due in *CBD v. EPA*, a case concerning two FOIA requests submitted to EPA in February 2017 requesting (1) all correspondence to or from Scott Pruitt, and (2) all calendars, schedules and travel itineraries for Scott Pruitt.

Office of International and Tribal Affairs**Hot Issues:**

None

Upcoming Engagements:

None

Past Week Highlights:

Mexico Secretary of Environment and Natural Resources - Administrator Pruitt and Secretary Pacchiano, Mexico Ministry of Environment and Natural Resources (SEMARNAT), had a conference call this week. The Administrator reaffirmed EPA's commitment to bilateral cooperation with Mexico under the U.S.-Mexico Border Program and trilateral cooperation under the Commission for Environmental Cooperation (CEC). The Administrator expressed an interest in meeting with Secretary Pacchiano in Mexico and also extended an invitation to the Secretary to join him in Oklahoma City for the CEC Council Session in June 2018.

Indian Environmental General Assistance Program (GAP): OITA held a webinar for regional offices regarding the eligibility requirements for intertribal consortia under GAP. Under the GAP statute, an intertribal consortium is defined as "a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance pursuant to this section." The goal in funding intertribal consortia under GAP is to build the capacity of their member tribal governments to administer environmental protection programs and to implement tribal solid and hazardous waste programs. To meet that goal, EPA requires intertribal consortia to provide some documentary proof that all consortia member tribes authorized the consortia to apply for and receive the grant on the tribe's behalf. However some intertribal consortia find it difficult to meet the "all tribes authorize the grant" standard and OITA is promoting national consistency in how we interpret and apply the requirement.

Partnership for Clean Fuels and Vehicles Addresses Used Vehicles

OITA participated in a meeting of the Partnership for Clean Fuels (PCFV) Used Vehicles Working Group to discuss strategies for reducing harmful older vehicles in developing countries. EPA is a founding and active partner of the PCFV, which is a global, public-private partnership led by UN Environment, to reduce air pollution from transportation through promoting clean fuels and vehicles technology. PCFV successfully eliminated lead from gasoline and is also promoting clean, low sulfur fuels. The Used Vehicles Working Group is seeking to develop recommended strategies for developing countries to help reduce the vehicle age of imported vehicles. Many imported vehicles in developing countries are old and polluting. Policies to ensure newer imported vehicles would help reduce the air pollution impacts from older vehicles. The Working Group will develop a report on suggested strategies in early 2018.

Private Sector Roundtable on Food Loss and Waste

EPA (OITA/OLEM) participated in a roundtable discussion hosted by the Food and Agricultural Organization (FAO) North America Liaison Office on “Private Sector Solutions to Food Loss and Waste”. Speakers included representatives from FAO, the National Restaurant Association, and Grocery Manufacturers Association. EPA (OITA/OLEM) also attended a workshop on “Farm-to-Retail Food Loss in Produce: An Exploratory Discussion on the Causes and Economic Drivers of Change” organized by the USDA Economic Research Service.

Office of Land and Emergency Management

Hot Issues

1. **Emergency responses to hurricanes and wildfires.** Large-scale responses continue in both Region 2 (Puerto Rico and the US Virgin Islands) and Region 9 (Northern and Southern California).
2. **Coal Combustion Residuals (CCR).**
 - a. OLEM is working with Region 6 and OGC on a proposal to approve Oklahoma's CCR state permit program. A letter of completeness was sent to Oklahoma on December 21.
 - b. OLEM, OGC, OP, and OA developed a plan to publish a remand rule in the Federal Register in late January. The package went to OMB on December 19, 2017.
 - c. We are working with the AO and OGC on answers to questions posed by Indiana.
3. **Clean Air Act 112(r) Risk Management Program (RMP).**
4. **Ongoing major Superfund NPL sites (for example, B.F. Goodrich, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates).** OMB has finished reviewing the next round of proposed and final rules to update the National Priorities List. We are preparing for an announcement in January 2018.
5. **CERCLA-EPCRA AFO-CAFO Rule.** The DC Circuit Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018. No reporting is necessary until the mandate is issued.

Upcoming Public Events

1. **WasteWise Awards.** OLEM is recognizing 16 organizations for their leadership in waste prevention and diversion through this year's WasteWise Awards.

Upcoming Major Decisions

1. **E-Manifest User Fee Final Rule.** The Administrator signed the rule on December 20, 2017. Publication in the Federal Register is pending.

Last Week Highlights

1. **Hazardous Waste Compliance Docket.** Since 1988, EPA has maintained a Federal Agency Hazardous Waste Compliance Docket under Section 120(c) of CERCLA, which requires EPA to establish a Docket that contains certain information reported to EPA by Federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances has been released. On December 8, a notice was published in the Federal Register that identifies the Federal facilities not previously listed on the Docket and Federal facilities reported to EPA since the last update in June 2017. The notice also includes a section with revisions of the previous Docket list and a section of Federal facilities that are to be deleted from the Docket. At the time

of publication of this notice, the new total number of Federal facilities listed on the Docket is 2,349.

2. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.** The (b)(5) - DPP
3. **Meeting with Senate Environment and Public Works (SEPW) Staff.** OLEM briefed SEPW staffers to answer questions on the CERCLA and EPCRA reporting requirements in two separate calls on December 19th and 20th. The congressional staff had general questions on the guidance and on EPA's plans for implementing the reporting requirements. EPA also provided background on the regulatory history of the reporting requirements.

Office of Policy

-No Report Submitted-

Office of Research and Development

Administrator,

This week ORD held our first monthly business review meeting where we walked through dashboard analytics and discussed their meaning to ORD. We also discussed mission metrics data, challenges, and next steps. The meeting was instructive and will inform future meetings.

Merry Christmas and Happy New Year!

Upcoming public events

People, Prosperity, and the Planet (P3) Program

ORD's People, Prosperity, and the Planet (P3) Program has just released its 15th Annual P3 Awards Solicitation. EPA offers the P3 Competition to respond to the technical needs of the world and to support education in Science, Technology, Engineering, and Mathematics (STEM). This competition encourages interdisciplinary teams of college students to use STEM principles to create innovative projects aimed at researching and developing solutions to real world challenges. P3 includes four broad research categories that are within EPA's statutory authority, and this solicitation is requesting applications in the following areas:

- Improve Air Quality
- Provide Clean and Safe Water
- Prevent Contamination of Land, and
- Ensure Safety of Chemicals in the Marketplace

Release of Village Blue Web Application

The Village Blue project is providing real-time water quality monitoring data to the Baltimore community and is testing, evaluating, and developing water sensors to collect real-time water quality data. On December 26, the new Village Blue web-based application will be released to the public, along with a fact sheet and frequently asked questions. The app displays the data in a mobile-friendly, easy-to-understand format complimentary to work that a number of state and local organizations are already doing to make water quality data available to the public. The app will be linked from the Village Blue landing page, also to be released December 26: <https://www.epa.gov/water-research/village-blue>

Helping Oregon Farmers Improve Farmland Management and Water Quality

On January 10, ORD will meet in Monroe, OR, with the Oregon Department of Agriculture (ODA) Local Area Committee for the Upper Willamette and Upper Siuslaw Watersheds (UWUS LAC) to discuss potential ways to reduce nitrate leaching to groundwater in this area where nitrate contamination has been identified as a problem. ORD is leading a [study in Oregon's southern Willamette Valley](#) to determine best practices for minimizing nitrate leaching while maintaining crop yield. The study's findings, so far, about the most effective ways for farmers to waste less money on fertilizer that washes away, while protecting and maintaining water quality, are of interest to the UWUS LAC. ODA Local Area Committees are charged with developing Area Plans that identify strategies to prevent and control pollution from agricultural activities to achieve and maintain water quality standards.

Last week Highlights

New Approach to Identify Commonly Occurring Chemical Mixtures

A recently published news feature in *Environmental Health Perspectives* highlights ORD research to identify chemical combinations that most frequently occur in humans as measured in biomonitoring studies of the America population. The article is based on ORD research from the peer-reviewed publication in EHP [here](#). The researchers used an approach called frequent itemset mining (FIM) that was originally developed to identify commercial products that were most frequently purchased together. For their analysis, the researchers used the FIM approach to identify chemicals that most frequently appear together in the blood and urine of people throughout the US. These co-occurring chemicals can then be used to focus research efforts to understand the potential toxicological effects of relevant mixtures that occur in humans. Without identifying the most common co-occurring chemicals, a near infinite number of chemical combinations would need to be tested for potential toxicity. The full news feature can be found [here](#).

Online Particle Pollution Course Shared with Over 60,000 Health Care Professionals

The current edition of the Centers for Disease Control and Prevention's (CDC) Million Hearts e-Update, which goes to 60,000 e-mail subscribers, promotes the online continuing education training course developed by EPA and CDC for health care professionals. "[Particle Pollution and Your Patients' Health](#)". It provides evidence-based training about respiratory and cardiovascular health effects associated with particle pollution exposure and includes educational tools to help patients learn how to use the Air Quality Index to protect their health. The course is available for Continuing Medical Education, Continuing Nursing Education, and continuing education credit for other health care professionals and demonstrates the value of such partnerships to amplify EPA's public health research, messages, and reach.

***Bacillus anthracis* detection: ORD publishes Second Edition of protocol for EPA lab networks**

ORD recently published a second edition of the step-by-step [Protocol for Detection of *Bacillus anthracis* in Environmental Samples During the Remediation Phase of an Anthrax Incident](#) first published in 2012. This protocol includes three analytical methods and sample-type-specific processing procedures for the detection of *B. anthracis* spores in various environmental matrices (e.g., aerosols, particulates and drinking water). To simply detect the presence of the deoxyribonucleic acid (DNA) of *B. anthracis*, real-time polymerase chain reaction (PCR)-based sample analysis method is included. To detect whether [viable](#) *B. anthracis* spores are present in the samples, microbiological culture and ORD's Rapid Viability-PCR (RV-PCR) analytical methods are included. This edition includes analysis of additional sample types, and updated RV-PCR method. These updates are based on finding from recent research efforts, feedback from laboratories, and changing policies. This protocol has been specifically developed for use by the EPA's emergency response lab networks – the Environmental Response Laboratory Network and the Water Laboratory Alliance - for the analysis of environmental samples during an anthrax incident. Also, since this is an open-access protocol, it can also be used by the national and international biodefense communities.

Supporting Region 3 Efforts to Protect Natural Resources at Waste Site

ORD is providing technical support to Region 3 to help protect water bodies at several locations at the [Saltville Waste Disposal Ponds site](#) (Saltville, Virginia), a former chemical manufacturing facility. The effort includes containment of toxic wastes and installation of a sustainable, environmentally friendly barrier at various locations to protect humans, animals and ecological species and to prevent release of toxic contaminants to soil and water bodies. The selection of the barrier material considers use of

locally available cost-effective natural materials that are free from any detrimental contaminants of concern and capable of immobilizing toxics.

Office of Water

Hot Issues

Vessels Permitting: On December 19, the Congressional permit moratorium for incidental discharges from all commercial fishing vessels and other small commercial vessels (e.g., utility vessels, freight barges, passenger vessels) less than 79 feet in length ended. As a result, approximately 125,000 additional vessels are now required to obtain NPDES permit coverage for these discharges, most likely under the Small Vessel General Permit (sVGP). Affected vessel owner/operators can obtain permit coverage under the sVGP by completing the one-page Permit Authorization and Record of Inspection (PARI) Form and retaining a copy of the signed form onboard the vessel.

Delegation of Authority: As early as today, OW anticipates sending a request to the Administrator to approve a temporary delegation of authority to the Acting Principal Deputy Assistant Administrator (PDAA) for the Office of Water, Benita Best-Wong. This delegation of authority will permit the Acting PDAA to take all necessary action in performance of functions and duties that previously were delegated to the Assistant Administrator (AA) for the Office of Water, and will be in effect from the date of Acting AA Mike Shapiro's retirement (December 31, 2017) until David Ross assumes his position as Assistant Administrator, expected on January 8, 2018.

Steam Electric FOIA: Next week, in response to a court order, EPA will send the Waterkeeper Alliance 252 documents that are responsive to their FOIA request. Under an amended court order, the remaining 508 documents are due to the requestor on January 17th. Those documents are currently undergoing Senior Management Review.

Waters of the U.S.: EPA has received approximately 4,600 comments on the proposed rule to add an applicability date to the 2015 rule, with seven mass mailer campaigns identified to date. The docket continues to process public comments and work is underway to parse the comments which will in turn allow staff to summarize issues in early January. In support of the step 2 rule, the staff team met with the Red Cliff Band of the Lake Superior Chippewa on December 20 to present an overview of the rulemaking process and pre-proposal feedback received to date. The tribe intends to provide further feedback to the agencies. The agencies are also working with state associations to begin planning for further co-regulator engagement and plan to send letters to the RTOC chairs in early January to identify tribal representatives for engagement.

Geologic Sequestration of Carbon Dioxide: Underground Injection Control (UIC) Program Class VI Implementation Manual for UIC Program Directors: As early as next week, EPA anticipates releasing the final *Geologic Sequestration of Carbon Dioxide: Underground Injection Control (UIC) Program Class VI Implementation Manual for UIC Program Directors*. The document will assist Class VI UIC Program Directors with understanding their responsibilities when implementing a geologic sequestration project from pre-permitting through to site closure. The document also includes lessons learned during pre-permitting and/or permitting of five Class VI projects. A copy of the document will be available on the EPA website.

Lead and Copper Rule Federalism Consultation: On January 8, EPA will convene a meeting with intergovernmental organizations in Washington, DC to initiate a 60-day Federalism Consultation as the agency continues to work closely with states and tribes on revisions to the Lead and Copper rule. Dave Ross and Lee Forsgren will participate. The intergovernmental consultation will be followed by

discussions with these and other stakeholders on the proposed rule. During the meeting, EPA will provide an overview of the Lead and Copper Rule and review key areas that EPA is considering for rule revisions. This engagement, along with the peer review input the agency recently received on assessments of lead exposure to children, will help to ensure that any potential revisions reflect the best available information and latest science to provide Americans with important public health protections.

Upcoming Public Events

NONE

Last Week Highlights

San Juan Watershed Monitoring Program: Today, EPA finalized guidance for issuing CWA section 106 grants to implement portions of the San Juan Watershed Monitoring Program authorized by Section 5004(d) of the Water Infrastructure Improvements for the Nation (“WIIN Act”). Prior to issuing this guidance, OW worked with the affected Regions and consulted with states and tribes on the overall long-term monitoring program, including the specific amounts to be awarded to jurisdictions via 106 grants. Regions 6, 8 and 9 will now work with the jurisdiction to issue grants in accordance with the guidance. The target is to make grant awards by the end of February, in time for monitoring during the spring runoff period and thereafter.

Missouri Nutrient Criteria Rulemaking: On December 15th, EPA met its consent decree to have the proposed rule for Missouri numeric nutrient criteria (NNC) for lakes signed by the Administrator. The EPA proposal includes two options: one identical to a state proposal that is currently still in the state adoption process, and another that aligns with the state proposal in all but a few key respects. The proposal is anticipated to publish on December 27, 2017 for a 60-day comment period, ending on February 26, 2018. There will be two virtual public hearings on February 7 and 8, 2018.

Public Notification Requirements for CSOs to the Great Lakes Basin: This week, OW finalized a rule establishing public notification requirements for combined sewer overflows (CSO) to the Great Lakes Basin as required by the Consolidated Appropriations Act of 2016. These notification requirements apply to 158 communities with CSOs that discharge to the Great Lakes Basin and address signage, notification of combined sewer overflows to local health departments and the public, and annual notice provisions. This rule protects public health by ensuring timely notification to the public and to public health departments, public drinking water facilities and other potentially affected public entities, including Indian tribes.

Availability-Based Project Waiver of American Iron and Steel Requirements, City of Jacksonville, IL New Water Treatment Plant Project: This week, EPA granted an availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements to the City of Jacksonville, IL for the purchase of forty-five 14-inch uni-flange adaptors for the New Water Treatment Plant Project. This waiver permits the use of 14-inch uni-flange adaptors that have not been produced domestically because no known domestic manufacturer produces 14-inch uniflange adaptors that meet the project's technical specification. This is a project-specific waiver and only applies to the use of the specified product for the referenced project funded by the Drinking Water State Revolving Fund (DWSRF). Any other project funded by either the Drinking Water or Clean Water State Revolving Fund (SRF) that wishes to use the same product must request a separate waiver based on the specific project circumstances.